

United States
Circuit Court of Appeals

For the Ninth Circuit.

Apostles

(In 7 Volumes.)

MATSON NAVIGATION COMPANY, a Corporation,
Appellant,

VS.

UNITED ENGINEERING WORKS, a Corporation,
Appellee,

VOLUME III.

(Pages 705 to 1104, Inclusive.)

Upon Appeal from the United States District Court for the
Northern District of California, First Division

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(Testimony of Stephen Cronin.)

Q. Is 5293 a "Hilonian" number?

A. I don't remember.

Mr. McCLANAHAN.—How about that, Mr. Frank?

Mr. FRANK.—What do you mean, how about it?

Mr. McCLANAHAN.—I want to know. That is not one of the "Hilonian" numbers.

Mr. FRANK.—It speaks for itself.

Mr. McCLANAHAN.—What are you putting it in evidence for?

Mr. FRANK.—I don't know.

Mr. McCLANAHAN.—You don't want to encumber the record with [616—527] something that does not belong to it. There is the shop number 241, and 5293, which is not a "Hilonian" number.

Mr. FRANK.—That is all right; that is a mistake.

Mr. McCLANAHAN.—That card is a mistake?

Mr. FRANK.—Yes; we took that for 5295.

Mr. McCLANAHAN.—What is the exhibit No.?

Mr. FRANK.—Exhibit No. 11.

Mr. McCLANAHAN.—Do you withdraw that?

Mr. FRANK.—Yes.

Mr. McCLANAHAN.—No. 11 is withdrawn.

Q. I show you your exhibit No. 12 where the straight time is charged to 241 and the overtime to 5295. A. Yes, sir.

Q. You make the same explanation of that?

A. Yes, sir.

Q. That you did for the others? A. Yes, sir.

Q. I show you your exhibit No. 13, do you make the same explanation? A. Yes, sir.

(Testimony of Stephen Cronin.)

Q. What, now, is your explanation, Stephen, of why you charged your straight time to the shop number and the overtime to the "Hilonian" number?

A. Well, because I worked on 241. I was there for 241 all day, and that is to wait on all the orders of any of the boats during the day; then I will have to wait on the orders that come in during the day and charge it to 241.

Q. You would not do any more work except under 241?

A. Unless I would be threading bolts or cutting steel, and I would charge it on the job it was used on.

Q. It would show on the card, would it not?

A. Yes, sir.

Q. There was no straight time charged to the "Hilonian" on these cards that I have called your special attention to? [617—528]

A. No, sir; it was all overtime.

Q. Why was it overtime?

A. Because it was work overtime.

Q. You worked straight time on the shop number.

A. That was during the day, and the overtime was in the night on the "Hilonian."

Q. You don't know why that was?

A. Because I had to work overtime on that boat.

Q. Why? A. The boss told me to stay.

Q. The boss told you to work on the shop number during the daytime and the "Hilonian" at night?

A. No, sir. I worked on that number 241 all the time.

Q. When some work came in on the "Hilonian"

(Testimony of Stephen Cronin.)

you put that in at night?

A. I worked on that in the daytime and I had to work on the "Hilonian" at night.

Q. Do you know why you had to work on the "Hilonian" at night?

A. Because I had to wait on orders and cut thread bolts.

Q. In the daytime? A. In night-time.

Q. Why did you have to work on the "Hilonian" number at night? Why not in the daytime?

A. All the orders came in, and I had to wait on all them orders and charge it to 241 during the day. I was there to wait on all the orders that came in.

Q. Would the "Hilonian" orders only come in during the night-time?

A. They came in during the daytime.

Q. You would postpone that work until night?

A. No, sir. I would charge my work in the day to 241, and the overtime that I would work on the "Hilonian" I would charge to the "Hilonian."

Redirect Examination.

Mr. FRANK.—Q. That is, if I understand you right by that, [618—529] when you stayed at night you stayed because the "Hilonian" was the only one that was working at night, so that you charged it to that number; is that correct?

A. Yes, sir.

Q. You were staying for the special purpose of working on the "Hilonian"; is that it?

A. Yes, sir.

(Testimony of Stephen Cronin.)

Q. As I understand you, if the "Hilonian" work came in during the daytime unless it was special work like threading bolts, or something like that, it was not charged to the "Hilonian," but charged to the shop time? A. Yes, sir.

Q. That is the same principle on which you charge the overtime to 5293 on Exhibit 11, is it?

A. Yes, sir.

Mr. McCLANAHAN.—That is objected to on the ground that that exhibit is not a part of the record.

Mr. FRANK.—Then we do not withdraw it. We have a perfect right to show that we treated the "Hilonian" the same as every one else.

Mr. McCLANAHAN.—If it is not withdrawn it is certainly improperly offered.

Mr. FRANK.—It is not improperly offered. I offer it now in answer to the cross-examination in rebuttal to show that no distinction was made against the "Hilonian," but that all numbers that he worked specially on overtime at night were specially charged with that time.

Mr. McCLANAHAN.—I object to the offer on the ground that it is immaterial, irrelevant, incompetent, hearsay, self-serving, and not binding on the respondent. [619—530]

[**Testimony of R. H. Roberts, for Libelant.**]

R. H. ROBERTS, called for the libelant, sworn.

Mr. FRANK.—Q. Mr. Roberts, you were in the employ of the United Engineering Works in September, 1909, were you? A. Yes, sir.

Q. What capacity? A. Storekeeper.

(Testimony of R. H. Roberts.)

Q. As such storekeeper did you keep a record of your time? A. Yes, sir.

Q. How did you keep that record?

A. By time-cards.

Q. I know, but, for instance, the job numbers; how did you keep track of the job numbers?

A. When I was working on a job every vessel that was in there has a number, and I took my time on those numbers.

Q. Where did you get the numbers from?

A. From the office.

Q. How did they come to you, in what form?

A. They come in a printed form, every head of every department gets the number of all the jobs that were working in the yard at the time.

Q. That is a list of numbers covering the different jobs? A. Yes, sir.

Q. And from that you took your job number that you put on your cards? A. Yes, sir.

Q. How did you keep track of the time that you worked on a particular job? A. By my watch.

Q. Now, during the daytime, unless it was a holiday, to what number did you charge up the work in the storeroom? A. 241.

Q. That was what?

A. That was the general number for the storeroom in the yard.

Q. That was a shop number? A. Yes, sir.

Q. Was there any special work sometimes in the storeroom for particular job numbers during the daytime? A. No, sir. [620—531] Individually I

(Testimony of R. H. Roberts.)

never charged anything in the daytime unless it was overtime for any extra work, unless holidays and Sundays.

Q. Holidays and Sundays? A. Yes, sir.

Q. How about threading bolts or anything of that sort, or special work for a particular ship; how would that be charged?

A. That would be charged on the number of the ship.

Q. The number of the ship? A. Yes, sir.

Q. Whether it was daytime or night-time or holidays?

A. Yes, sir. Individually, I did not do those bolts. My boys did them, and they charged the time.

Q. Now, I will show you a card of September 3d and ask you whether or not that is a card that was made out by you at that time in your own handwriting, keeping a record of your time on the different jobs. A. Yes, sir.

Q. It is in your own handwriting? A. Yes, sir.

Q. And kept in the manner you have indicated?

A. Yes, sir.

Q. I see September 2d is changed to September 3d. In whose handwriting is that?

A. I think that is mine too. The card might have been stamped wrong and I changed the date.

Q. Changed the date? A. Yes, sir.

Mr. FRANK.—We offer the card in evidence and ask to have it marked “Roberts No. 1.”

Mr. McCLANAHAN.—We object to that on the ground that it is incompetent, irrelevant and imma-

(Testimony of R. H. Roberts.)

terial, hearsay, self-serving, and not binding on the respondent.

(The card is marked "Roberts, No. 1.")

Mr. FRANK.—Q. Referring to Exhibit No. 1, you knew that to be correct at the time that you handed it in, did you? A. Yes, sir. [621—532]

Q. I will show you a card of September 4th, and ask you whether or not that is a card made out by you at that time in the manner you have testified to that you made out your cards, and whether you knew it to be correct at the time that you handed it in.

A. Yes, sir.

Mr. FRANK.—We ask to have that card marked Roberts No. 2.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is marked "Roberts No. 2.")

Mr. FRANK.—Q. I show you a card of September 5th, and ask you whether or not that is a card made out by you at that time in the manner you have testified to that you made out your cards, and whether you knew it to be correct at the time that you handed it in. A. Yes, sir.

Q. I notice that you have double time on that card. Do you remember whether that was a holiday or Sunday?

A. It was either a holiday or Sunday.

Q. It was Sunday?

A. Yes, sir, it was Sunday.

Mr. FRANK.—We ask to have that card marked Roberts No. 3.

(Testimony of R. H. Roberts.)

Mr. McCLANAHAN.—We make the same objection to it.

(The card is marked “Roberts No. 3.”)

Mr. FRANK.—Q. Now, I show you a card of September 6th and ask you whether or not that is a card made out by you at that time in the manner you have testified to that you made out your cards and whether you knew it to be correct at the time that you handed it in?

A. Yes, sir. There has been a change in one figure there.

Q. Whose change is that?

A. That must be the timekeeper's change; it is not my writing.

Q. It is not your writing? A. No, sir. [622—533]

Q. When the timekeeper made any changes in your card, state whether or not he would consult you with respect to it.

A. Yes, sir, he generally came and told me.

Q. Did he ask you about it? A. Yes, sir.

Q. When he asked you about it what would you do, whether or not before he made the change you would agree with him?

A. Yes, sir, I agreed with him that it was right, I suppose; he is supposed to know the numbers.

Q. You would know the work you had done?

A. Yes, sir.

Mr. FRANK.—We ask to have that card marked Roberts No. 4.

(Testimony of R. H. Roberts.)

Mr. McCLANAHAN.—We make the same objection to it.

(The card is marked “Roberts No. 4.”)

Mr. FRANK.—Q. I will show you a card of September 7th and ask you whether or not that is a card made out by you at that time in the manner you have testified to that you made out your cards and whether you knew it to be correct at the time that you handed it in. A. Yes, sir; that is my writing.

Q. You knew the card to be correct when you handed it in? A. Yes, sir.

Mr. FRANK.—We ask to have the card marked Roberts No. 5.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is marked “Roberts No. 5.”) [623—534]

Q. Now, I show you a card of September 8th, and ask you whether or not that is a card made out by you at that time in the manner you have testified to that you made out your cards and whether you knew it to be correct at the time that you handed it in.

A. Yes, sir.

Q. That is in your own handwriting?

A. Yes, sir.

Q. You knew it to be right at the time you passed it in? A. Yes, sir.

Mr. FRANK.—I offer this card in evidence and ask that it be marked Roberts Exhibit No. 6.

Mr. McCLANAHAN.—We make the same objection to it.

(Testimony of R. H. Roberts.)

(The card is marked "Roberts Exhibit No. 6.")

Mr. FRANK.—Q. I now hand you a card of September 9th, and ask you whether or not that is a card made out by you at that time in the manner you have testified to that you made out your cards and whether you knew it to be correct at the time that you handed it in.

A. Yes, sir; that was a holiday or a Sunday; Sunday, I guess.

Q. No, it was not Sunday. September 9th is Admission Day. A. Oh, yes.

Mr. FRANK.—We offer this card in evidence and ask that it be marked Roberts Exhibit No. 7.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is marked "Roberts Exhibit No. 7.")

Mr. FRANK.—Q. I now hand you a card of September 10, and ask you whether or not that is a card made out by you at that time in the manner you have testified to that you made out your cards and whether you knew it to be correct at the time that you handed it in. A. Yes, sir.

Mr. FRANK.—We offer this card in evidence and ask that [624—535] it be marked Roberts Exhibit No. 8.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is marked "Roberts Exhibit No. 8.")

Mr. FRANK.—Q. I now hand you a card of September 11, and ask you whether or not that is a card made out by you at that time in the manner you have

(Testimony of R. H. Roberts.)

testified to that you made out your cards and whether you knew it to be correct at the time that you handed it in. A. Yes, sir.

Mr. FRANK.—We offer this card in evidence and ask that it be marked Roberts Exhibit No. 9.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is marked “Roberts Exhibit No. 9.”)

Mr. FRANK.—Q. I now hand you a card of September 12, and ask you whether or not that is a card made out by you at that time in the manner you have testified to that you made out your cards and whether you knew it to be correct at the time that you handed it in. A. Yes, sir.

Q. I notice the date on that card is changed; in whose handwriting is that change?

A. It is mine; I put the proper date on it.

Mr. FRANK.—We offer this card in evidence and ask that it be marked Roberts Exhibit No. 10.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is marked “Roberts Exhibit No. 10.”)

Mr. FRANK.—Q. I now hand you a card of date, September 13, and ask you whether or not that is a card made out by you at that time in the manner you have testified to that you made out your cards and whether you knew it to be correct at the time that you handed it in. A. Yes, sir. [625—536]

Mr. FRANK.—We offer this card in evidence and ask that it be marked Roberts Exhibit No. 11.

(Testimony of R. H. Roberts.)

Mr. McCLANAHAN.—We make the same objection to it.

(The card is marked “Roberts Exhibit No. 11.”)

Mr. FRANK.—Q. I now hand you a card of date, September 14, and ask you whether or not that is a card made out by you at that time in the manner you have testified to that you made out your cards and whether you knew it to be correct at the time that you handed it in. A. Yes, sir.

Mr. FRANK.—We offer this card in evidence and ask that it be marked Roberts Exhibit No. 12.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is marked “Roberts Exhibit No. 12.”)

Mr. FRANK.—Q. I now hand you a card under date of September 15, and ask you whether or not that is a card made out by you at that time in the manner you have testified to that you made out your cards and whether you knew it to be correct at the time that you handed it in. A. Yes, sir.

Mr. FRANK.—We offer this card in evidence and ask that it be marked Roberts Exhibit No. 13.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is marked “Roberts Exhibit No. 13.”)

Mr. FRANK.—Q. I now hand you a card under date of September 16, and ask you whether or not that is a card made out by you at that time in the manner you have testified to that you made out your cards and whether you knew it to be correct at the time that you handed it in. A. Yes, sir.

(Testimony of R. H. Roberts.)

Q. On that card I notice that erasure and the figure "2" put in there; in whose handwriting is that figure 2?

A. I suppose that is mine, sir. They intended to have us [626—537] stay there an hour but we stayed another hour, making two hours.

Mr. FRANK.—We offer this card in evidence and ask to have it marked Roberts Exhibit No. 14.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is marked "Roberts Exhibit No. 14.")

Mr. FRANK.—Q. I now show you a card under date of September 18, and ask you whether or not that is a card made out by you at that time in the manner you have testified to that you made out your cards and whether you knew it to be correct at the time that you handed it in. A. Yes, sir.

Q. Explain the "2" and the figure "1" under the number of hours? A. That is overtime.

Q. That is not in your handwriting, is it?

A. The "2" is not. I evidently omitted to put anything there at all and it came before the time-keeper and he put the number down.

Q. How would he put those numbers down?

A. He would come to me and ask me how long I worked.

Q. And the "2" would indicate the number of hours you worked and the "1" would be the overtime? A. Yes, sir.

Q. He always put the overtime on himself?

A. Yes, sir.

(Testimony of R. H. Roberts.)

Mr. FRANK.—We offer this card in evidence and ask that it be marked Roberts Exhibit No. 15.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is marked “Roberts Exhibit No. 15.”)

Mr. FRANK.—Q. I now show you a card under date of September 19th and ask you whether or not that is a card made out by you at that time in the manner you have testified to that you made out your cards and whether you knew it to be correct at the time that you handed it in. A. Yes, sir. [627—538]

Mr. FRANK.—We offer this card in evidence and ask to have it marked Roberts Exhibit No. 16.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is marked “Roberts Exhibit No. 16.”)

Mr. FRANK.—Q. I now show you a card under date of September 20, and ask you whether or not that is a card made out by you at that time in the manner you have testified to that you made out your cards and whether you knew it to be correct at the time that you handed it in. A. Yes, sir.

Mr. FRANK.—We offer this card in evidence and ask that it be marked Roberts Exhibit No. 17.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is marked “Roberts Exhibit No. 17.”)

Mr. FRANK.—Q. I now show you a card under date of September 21, and ask you whether or not that is a card made out by you at that time in the

(Testimony of R. H. Roberts.)

manner you have testified to that you made out your cards and whether you knew it to be correct at the time that you handed it in. A. Yes, sir.

Mr. FRANK.—We offer this card in evidence and ask to have it marked Roberts Exhibit No. 18.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is marked “Roberts Exhibit No. 18.”)

Mr. FRANK.—I now offer clock cards under date of September 11 and September 25, respectively, and ask to have them marked Roberts Exhibits 19 and 20.

(The cards are marked “Roberts Exhibit No. 19” and “Roberts Exhibit No. 20,” respectively.)

Q. Now, Mr. Roberts, you also issued material used on different ships from your storeroom?

A. Yes, sir.

Q. I show you a yellow slip headed “cartage and stock order [628—539] card” under date of September 7, 1909, and ask you what that is.

A. That is a valve I sent from our shop to Mr. Speed to buy for me in San Francisco for the steamer “Hilonian.”

Q. That is your order for it?

A. No, sir, this is a charge for it. The order goes through the order-book.

Q. That is the charge that you make; is that your handwriting? A. Yes, sir.

Q. And your signature to it?

A. Yes, sir. We have an order-book there in triplicate form. One stays in the book, one goes to the

(Testimony of R. H. Roberts.)

party it is bought from and the other goes to the office. When the valve comes from San Francisco, sent by Mr. Speed, we tear this out of the book and copy it on this tag; this goes in our office and the other tag that is in the triplicate book goes to the San Francisco office.

Q. This card indicates that you received that material and issued it to the "Hilonian" does it?

A. Yes, sir. I don't write that card until I receive the valve from San Francisco.

Q. And I notice job number 5325 there; that is the job number for which it is ordered?

A. Yes, and that is the number that is in the book, the triplicate order-book. (Indicating.)

Q. That is B732? A. Yes, sir.

Mr. FRANK.—We offer this in evidence and ask that it be marked Roberts stock card No. 1.

Mr. McCLANAHAN.—Mr. Frank, I would like to ask a question here.

Mr. FRANK.—All right.

Mr. McCLANAHAN.—Q. Mr. Roberts, you simply know that you received the article shown by the card? A. Yes, sir.

Q. You don't know what became of it after you received it?

A. I gave it to the man who told me to order it, the man who [629—540] was working on the job.

Q. But you don't know that it went in the ship, do you?

A. No, sir, I could not say that it went in the ship further than I know that the man was working on

(Testimony of R. H. Roberts.)

the ship who ordered me to buy it for him.

Mr. FRANK.—Q. That is, the man was working on the ship and you delivered it to him to take to the ship? A. Yes, sir.

Mr. McCLANAHAN.—We make the same objection to this card.

(The card is marked “Roberts Stock Card No. 1.”)

Mr. FRANK.—Q. I now show you another order of the same date and ask you what that is.

A. That is the same.

Q. That went through the same process?

A. Yes, sir.

Q. And that is in your handwriting?

A. Yes, sir.

Q. And that is your signature? A. Yes, sir.

Mr. FRANK.—I offer this in evidence and ask that it be marked Roberts Stock Card No. 2.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is marked “Roberts Stock Card No. 2.”)

Mr. FRANK.—Q. Now, I show you another stock card, under date of September 2, and ask you what that is.

A. That is the same. I bought that from Mr. Hanlon on our side. The order did not come over to this side.

Q. At any rate, you received it and delivered it in the same manner as you have heretofore testified?

A. Yes, sir.

Mr. FRANK.—I offer this in evidence and ask

(Testimony of R. H. Roberts.)

that it be marked Roberts Stock Card No. 3.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is marked “Roberts Stock Card No. No. 3.”)

Mr. McCLANAHAN.—Mr. Frank, referring to card No. 2, which [630—541] is for two one and one-half combination Indian oil-stones, I do not believe you charged us with that; are you not encumbering the record by putting it in?

Mr. FRANK.—Well, I don't know, Mr. McClanahan. We will see when we come to argue the case. I have no doubt there is a great deal that you were not charged with that you ought to have been charged with.

Mr. McCLANAHAN.—And a great deal that you charged us with that you ought not to have charged us with.

Mr. FRANK.—Q. I now show you a card under date of August 27, 1909, and ask you what that is.

A. That is the same.

Q. The same as before? A. Yes, sir.

Q. You mean that it went through the same process?

A. Yes, sir. It went through Mr. Speed, in this city. I ordered it from the other side. I issued it in Oakland.

Q. And this is your memorandum of issuing it in each case?

A. Of receiving it; I don't write the order until I receive it from San Francisco.

(Testimony of R. H. Roberts.)

Q. And then you issue it out under that order?

A. Yes, sir.

Mr. FRANK.—I offer this card in evidence and ask that it be marked Roberts Stock Card No. 4.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is marked “Roberts Stock Card No. 4.”)

Mr. FRANK.—Q. I now show you a stock card of August 27, and ask you what that is.

A. That is the same.

Mr. FRANK.—I offer this stock card in evidence and ask that it be marked Roberts Stock Card No. 5.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is marked “Roberts Stock Card No. 5.”)

Mr. FRANK.—Q. I now show you a stock card of August 26, [631—542] and ask you what that is.

A. That is the same.

Mr. FRANK.—I offer this in evidence and ask that it be marked Roberts Stock Card No. 6.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is marked “Roberts Stock Card No. 6.”)

Mr. FRANK.—Q. I now show you a stock card under date of August 26, and ask you what that is.

A. That is Mr. Speed's handwriting.

Q. Do you remember about the order?

A. No, I cannot say that I do.

Q. It has no distinguishing mark of yours on it?

A. No, sir.

(Testimony of R. H. Roberts.)

Q. Then I won't offer that. Now, I show you a stock card under date of September 8, and ask what that is.

A. Let me see the other one please—I thought that might be the same but it is not. Yes, this one you have last shown me is mine.

Q. And issued in the same manner as you have already testified? A. Yes, sir.

Mr. FRANK.—I offer this card in evidence and ask that it be marked Roberts Stock Card No. 7.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is marked "Roberts Stock Card No. 7.")

Mr. FRANK.—Q. I now show you a stock card under date of September 8, and ask you what that is.

A. Yes, that went through Mr. Hanlon.

Q. And issued by you in the same manner?

A. Yes, sir. This was issued to Mr. Hanlon. He works in our yard.

Q. This was issued by you in the same manner, was it? A. Yes, sir, just the same. [632—543]

Mr. FRANK.—I offer this card in evidence and ask that it be marked Roberts Stock Card No. 8.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is marked "Roberts Stock Card No. 8.")

Mr. FRANK.—Q. I now show you a stock card under date of September 10 and ask you what that is.

A. Yes, that is mine.

Mr. FRANK.—I offer this card in evidence and

(Testimony of R. H. Roberts.)

ask that it be marked Roberts Stock Card No. 9.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is marked “Roberts Stock Card No. 9.”)

Mr. FRANK.—Q. I now show you a stock card under date of September 11, and ask you what that is. A. That is mine.

Mr. FRANK.—I offer this in evidence and ask that it be marked Roberts Stock Card No. 10.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is marked “Roberts Stock Card No. 10.”)

Mr. FRANK.—Q. I now show you a stock card under date of September 13, and ask you what that is.

A. That is mine.

Q. That is in your own handwriting?

A. Yes, sir.

Q. But it does not bear your signature?

A. No, sir; I must have omitted it. There is the number of the order it was issued on, right there (pointing).

Q. You recognize that as one issued to you?

A. Yes, sir.

Mr. FRANK.—I offer this card in evidence and ask that it be marked Roberts Stock Card No. 11.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is marked “Roberts Stock Card No. 11.”)

(Testimony of R. H. Roberts.)

Mr. FRANK.—Q. I now show you a stock card under date of [633—544] September 16th and ask you what that is. A. Yes, sir; that is mine.

Mr. FRANK.—I offer this card in evidence and ask that it be marked Roberts Stock Card No. 12.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is marked “Roberts Stock Card No. 12.”)

Mr. FRANK.—Q. I now show you a stock card under date of September 16, and ask you what that is.

A. Yes, sir; that is mine.

Mr. FRANK.—I offer that card in evidence and ask that it be marked Roberts Stock Card No. 13.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is marked “Roberts Stock Card No. 13.”)

Mr. FRANK.—Q. I now show you a stock card of September 20, and ask you what that is.

A. Yes, sir, that is mine.

Mr. FRANK.—I offer that in evidence and ask that it be marked Roberts Stock Card No. 14.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is marked “Roberts Stock Card No. 14.”)

Mr. FRANK.—Q. I now show you a stock card under date of September 21, and ask you what that is.

A. That is mine.

Mr. FRANK.—I offer this card in evidence and

(Testimony of R. H. Roberts.)

ask that it be marked Roberts Stock Card No. 15.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is marked “Roberts Stock Card No. 15.”)

(The card is marked “Roberts stock card No. 15.”)

Mr. FRANK.—Q. I now show you a stock card under date of September 22, and ask you what that is.

A. Yes, sir, that is mine. [634—545]

Mr. FRANK.—I offer this in evidence and ask to have it marked Roberts Stock Card No. 16.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is marked “Roberts Stock Card No. 16.”)

Mr. FRANK.—Q. I now show you a stock card under date of August 28, and ask you what that is.

A. Yes, sir, that is mine.

Mr. FRANK.—I offer this card in evidence and ask that it be marked Roberts Stock Card No. 17.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is marked “Roberts Stock Card No. 17.”)

Mr. FRANK.—Q. I now show you a stock card under date of September 8, and ask you what that is.

A. Yes, sir, that is mine.

Mr. FRANK.—I offer this card in evidence and ask that it be marked Roberts Stock Card No. 18.

Mr. McCLANAHAN.—We make the same objection to it.

(Testimony of R. H. Roberts.)

(The card is marked "Roberts Stock Card No. 18.")

Mr. FRANK.—Q. I now show you a stock card under date of September 11, and ask you what that is.

A. Yes, sir, that is mine.

Mr. FRANK.—I offer this card in evidence and ask that it be marked Roberts Stock Card No. 19.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is marked "Roberts Stock Card No. 19.")

Mr. FRANK.—Q. I now show you a stock card under date of September 21 and ask you what that is.

A. Yes, sir, that is mine.

Mr. FRANK.—I offer this card in evidence and ask that it be marked Roberts Stock Card No. 20.

[635—546]

Mr. McCLANAHAN.—We make the same objection to it.

(The card is marked "Roberts Stock Card No. 20.")

Mr. FRANK.—Q. I now show you a stock card under date of September 11, and ask you what that is.

A. Yes, sir, that is mine.

Mr. FRANK.—I offer this stock card in evidence and ask that it be marked Roberts Stock Card No. 21.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is marked "Roberts Stock Card No. 21.")

Mr. FRANK.—Q. Now, I show you a stock card

(Testimony of R. H. Roberts.)

marked "A2266" and ask you what that is.

A. Those lamps were given out by the watchman in the night-time.

Q. Is that your signature?

A. That is my signature, per watchman, Roberts.

Q. How do you verify that?

A. I see the watchman in the morning and he says he wrote these cards and delivered the lights to the ship in the night.

Q. Who was the watchman?

A. A man called Campbell.

Mr. McCLANAHAN.—I object to the last statement of the witness and ask that it be stricken out upon the ground that it is hearsay.

Mr. FRANK.—What statement, that the man was called Campbell?

Mr. McCLANAHAN.—No, what the watchman told him.

The WITNESS.—The watchman gave the stuff out himself, and wrote down what he gave out.

Mr. FRANK.—That is all right, Mr. Roberts. We will get Mr. Campbell; there will be no trouble about that.

Mr. McCLANAHAN.—Do you offer that card?

Mr. FRANK.—I offer it, yes. I will have other testimony [636—547] on it. I offer it now so that we will keep the record straight.

Mr. McCLANAHAN.—Do you want it marked?

Mr. FRANK.—No. It is identified as "A2266"; we followed the same course with Adamson. We can save a great deal of time that way.

(Testimony of R. H. Roberts.)

Q. I show you now stock card "A2267," and ask you what that is.

A. That was written by my boy, Stephen Cronin. He was in charge at the time, and then I signed it. That was given out in the night-time.

Q. I now show you a stock card marked "A2274" and ask you what that is?

A. That was issued in the night by the watchman.

Q. I now show you a stock card marked "A2297" and ask you what that is.

A. The same thing, issued by the watchman in the night-time.

Q. I now show you a stock card marked "A2304" and ask you what that is.

A. That is in the boy's writing; he issued that in the night-time.

Q. Are you sure that is the boy's writing?

A. Yes, I am sure of it.

Q. It is not your's? A. No, sir.

Q. I now show you a stock card marked "A2343" and ask you what that is. A. That is mine.

Q. Issued by you in the same manner you have testified to concerning the other stock cards?

A. Yes, sir.

Mr. FRANK.—I offer this card in evidence.

Mr. McCLANAHAN.—We make the same objection to it.

Mr. FRANK.—Q. I now show you a stock card marked "A2359" and ask you what that is.

A. That is my writing.

(Testimony of R. H. Roberts.)

Q. It was issued by you in the same manner?
[637—548]

Mr. FRANK.—We offer that stock card in evidence.

Mr. McCLANAHAN.—We make the same objection to it.

Mr. FRANK.—Q. I now show you a stock card marked “A2371” and ask you what that is.

A. That is my writing.

Q. Issued in the same way? A. Yes, sir.

Mr. FRANK.—I offer this stock card in evidence.

Mr. McCLANAHAN.—We make the same objection to it.

Mr. FRANK.—Q. I now show you a stock card marked “A2380” and ask you what that is.

A. That is my writing.

Q. Issued in the same way? A. Yes, sir.

Mr. FRANK.—We offer this stock card in evidence.

Mr. McCLANAHAN.—We make the same objection to it.

Mr. FRANK.—Q. I now show you a stock card marked “A2421” and ask you what that is.

A. That is mine.

Q. Issued in the same way? A. Yes, sir.

Q. Whenever you say “that is mine” you mean issued in the same way? A. Yes, sir.

Mr. FRANK.—I offer this stock card in evidence.

Mr. McCLANAHAN.—We make the same objection to it.

Mr. FRANK.—Q. I now show you a stock card

(Testimony of R. H. Roberts.)

marked "A2427" and ask you what that is.

A. That is mine.

Mr. FRANK.—I offer this stock card in evidence.

Mr. McCLANAHAN.—We make the same objection to it.

Mr. FRANK.—Q. I now show you a *stock marked* "A2460" and ask you what that is.

A. That is mine.

Mr. FRANK.—I offer this card in evidence.

Mr. McCLANAHAN.—We make the same objection to it.

Mr. FRANK.—Q. I now show you a stock card marked "A2462" and ask you what that is.

A. That is mine. [638—549]

Mr. FRANK.—We offer this stock card in evidence.

Mr. McCLANAHAN.—We make the same objection to it.

Mr. FRANK.—Q. I now show you a stock card marked "A2463" and ask you what that is.

A. That is mine.

Mr. FRANK.—We offer this stock card in evidence.

Mr. McCLANAHAN.—We make the same objection to it.

Mr. FRANK.—Q. I now show you a stock card marked "A2467" and ask you what that is.

A. That is mine.

Mr. FRANK.—We offer this stock card in evidence.

(Testimony of R. H. Roberts.)

Mr. McCLANAHAN.—We make the same objection to it.

Mr. FRANK.—Q. I now show you a stock card marked “A2476” and ask you what that is.

A. That is mine.

Mr. FRANK.—We offer this stock card in evidence.

Mr. McCLANAHAN.—We make the same objection to it.

Mr. FRANK.—Q. I now show you a stock card marked “A2498” and ask you what that is.

A. That is mine.

Mr. FRANK.—We offer this stock card in evidence.

Mr. McCLANAHAN.—We make the same objection to it.

Mr. FRANK.—Q. I now show you a stock card marked “A2710” and I read to you these items: “4 candles on quadrant; 8 bolts; 3 one-quarter by 8 hex-nuts; 2 bolts, three-quarters by 8½ hex-nuts, under number 5398.” Those are in your handwriting, are they? A. Yes, sir.

Q. Issued by you? A. Yes, sir.

Q. And the item “10 lbs. glazier putty, No. 5295” is in the boy’s handwriting? A. Yes, sir.

Mr. FRANK.—We offer this card in evidence as to the part that the witness identifies.

Mr. McCLANAHAN.—We make the same objection to it.

Mr. FRANK.—Q. I now show you a stock card marked “A2711” and ask you what that is.

(Testimony of R. H. Roberts.)

A. That is mine. [639—550]

Mr. FRANK.—We offer this stock card in evidence.

Mr. McCLANAHAN.—We make the same objection to it.

Mr. FRANK.—Q. I now show you a stock card marked “A2713” and ask you what that is.

A. That is mine.

Mr. FRANK.—We offer this stock card in evidence.

Mr. McCLANAHAN.—We make the same objection to it.

Mr. FRANK.—Q. I now show you a stock card marked “A2715” and ask you what that is.

A. That is mine.

Mr. FRANK.—We offer this stock card in evidence.

Mr. McCLANAHAN.—We make the same objection to it.

Mr. FRANK.—Q. I now show you a stock card marked “A2719; 28 feet of 3-16 by 8 template wood; that item is in your handwriting? A. Yes, sir.

Q. The other item “4 candles” is in the boy’s handwriting? A. Yes, sir.

Mr. FRANK.—We offer this stock card in evidence as the part identified by the witness.

Mr. McCLANAHAN.—We make the same objection to it.

(A recess was here taken until 2 P. M.) [640—551]

(Testimony of R. H. Roberts.)

AFTERNOON SESSION.

R. H. ROBERTS, direct examination resumed.

Mr. McCLANAHAN.—Mr. Frank, I have a witness who I have held over one trip on the “Hilonian” at the expense of \$150 a month. As you have far exceeded your time now allowed by the original order, I think it right that you should give me some intimation of how much longer you are going to consume in putting in your case.

Mr. FRANK.—I am putting in my case as fast as I can. I wanted you to go with me over to the works and it would have gone very much easier and quicker. As it is I have got to bring these men over in parcels from the works here. I cannot bring them all over at once, or the whole works would have to be shut down. I am proceeding just as quickly as I can. How long it will take I cannot tell. It does no look to me as though it ought to take very much longer. In the way we are proceeding I have got to take every one of these cards and introduce them in evidence.

Mr. McCLANAHAN.—Do you think it will take a week longer?

Mr. FRANK.—Yes, I think it will. If you want to put your man on out of order I have no objection to your doing it.

Mr. McCLANAHAN.—We cannot very well do that.

Mr. FRANK.—Q. I now show you a stock card marked “A3202” and ask you what that is.

A. Yes, that is the same.

(Testimony of R. H. Roberts.)

Mr. FRANK.—We offer the stock card in evidence.

Mr. McCLANAHAN.—We make the same objection to it.

Mr. FRANK.—Q. I now show you a stock card marked “A3211” and ask you what that is. [641—552] A. Yes, that is mine.

Mr. FRANK.—We offer the stock card in evidence.

Mr. McCLANAHAN.—We make the same objection to it.

Mr. FRANK.—Q. I now show you a stock card marked “A3212” and ask you what that is.

A. Yes, that is mine.

Mr. FRANK.—We offer the stock card in evidence.

Mr. McCLANAHAN.—We make the same objection to it.

Mr. FRANK.—Q. I now show you a stock card marked “A3248” and ask you what that is.

A. Yes, that is mine.

Mr. FRANK.—We offer the stock card in evidence.

Mr. McCLANAHAN.—We make the same objection to it.

Mr. FRANK.—Q. I now show you a stock card marked “A3260” and ask you what that is.

A. Yes, that is mine.

Mr. FRANK.—We offer the stock card in evidence.

(Testimony of R. H. Roberts.)

Mr. McCLANAHAN.—We make the same objection to it.

Mr. FRANK.—Q. I now show you a stock card marked “A3244” and ask you what that is.

A. Yes, that is mine.

Mr. FRANK.—We offer this stock card in evidence.

Mr. McCLANAHAN.—We make the same objection to it.

Mr. FRANK.—Q. I now show you a stock card marked “A3236” and ask you what that is.

A. Yes, that is mine.

Mr. FRANK.—We offer this stock card in evidence.

Mr. McCLANAHAN.—We make the same objection to it.

Mr. FRANK.—Q. I now show you a stock card marked “A3268” [642—553] and ask you what that is.

A. Yes, that is mine.

Mr. FRANK.—We offer this stock card in evidence.

Mr. McCLANAHAN.—We make the same objection to it.

Mr. FRANK.—Q. I now show you a stock card marked “A3271” and ask you what that is.

A. Yes, that is mine.

Mr. FRANK.—We offer this stock card in evidence.

Mr. McCLANAHAN.—We make the same objection to it.

Mr. FRANK.—Q. I now show you a stock card

(Testimony of R. H. Roberts.)

marked "A3274" and ask you what that is.

A. Yes, that is mine.

Mr. FRANK.—We offer this stock card in evidence.

Mr. McCLANAHAN.—We make the same objection to it.

Mr. FRANK.—Q. I now show you a stock card marked "A3285" and ask you what that is.

A. Yes, that is mine.

Mr. FRANK.—We offer this stock card in evidence.

Mr. McCLANAHAN.—We make the same objection to it.

Mr. FRANK.—Q. I now show you a stock card marked "A6402" and ask you what that is.

A. The cement on this order, there are 10 sacks of cement here and 53 $\frac{1}{4}$ by 2 bolts. Those are not in my handwriting. The 10 sacks of cement are mine.

Q. The 10 sacks of Portland cement, 1040 pounds?

A. Yes, sir.

Q. That you delivered? A. Yes, sir.

Q. In the same manner that you did all the rest?

[643—554]

A. Yes, sir.

Q. I now show you a stock card marked "A6406" and ask you what that is. A. Yes, that is mine.

Mr. FRANK.—We offer this stock card in evidence.

Mr. McCLANAHAN.—We make the same objection to it.

Mr. FRANK.—Q. I now show you a stock card

(Testimony of R. H. Roberts.)

marked "A6410" and ask you what that is?

A. Yes, that is mine.

Mr. FRANK.—We offer this stock card in evidence.

Mr. McCLANAHAN.—We make the same objection to it.

Mr. FRANK.—Q. I now show you a stock card marked "A6431" and ask you what that is?

A. Yes, that is mine.

Mr. FRANK.—We offer this stock card in evidence.

Mr. McCLANAHAN.—We make the same objection to it.

Mr. FRANK.—Q. I now show you a stock card marked "A6473" and ask you what that is.

A. Yes, that is mine.

Mr. FRANK.—We offer this stock card in evidence.

Mr. McCLANAHAN.—We make the same objection to it.

Mr. FRANK.—Q. I now show you a stock card marked "A6484" and ask you what that is?

A. Yes, that is mine.

Mr. FRANK.—We offer this stock card in evidence.

Mr. McCLANAHAN.—We make the same objection to it.

Mr. FRANK.—Q. I now show you a stock card marked "A6489" and ask you what that is? [644—

555]

A. Yes, that is mine.

(Testimony of R. H. Roberts.)

Mr. FRANK.—We offer this stock card in evidence.

Mr. McCLANAHAN.—We make the same objection to it.

Mr. FRANK.—Q. I now show you a stock card marked “A6492” and ask you what that is.

A. Yes, that is mine.

Mr. FRANK.—We offer this stock card in evidence.

Mr. McCLANAHAN.—We make the same objection to it.

Mr. FRANK.—Q. I now show you a stock card marked “A6494” and ask you what that is.

A. That is not my writing.

Mr. FRANK.—You can cross-examine. [645—556]

Mr. McCLANAHAN.—I can hardly cross-examine this witness on these slips because they are not segregated from your files.

Mr. FRANK.—They are all regularly numbered. You will find every one of them there under those numbers.

Mr. McCLANAHAN.—Do you intend to put these all in evidence that you have not put in?

Mr. FRANK.—Yes, afterwards.

Mr. McCLANAHAN.—The slips that were introduced by this man went in without my seeing them. Of necessity I admit, but they should be segregated now so that I can cross-examine.

Mr. FRANK.—I can segregate them if you want

(Testimony of R. H. Roberts.)

me to, but you can turn to them. Here is the index to every number.

Mr. McCLANAHAN.—You had a good deal of difficulty in segregating them, I will do the best I can.

Mr. FRANK.—You can segregate them if you want to. There will be no trouble.

Cross-examination.

Mr. McCLANAHAN.—Q. How long have you been with the works, Mr. Roberts?

A. 8 or 10 years.

Q. You are still with them, are you?

A. Yes, sir.

Q. Still storekeeper? A. Yes, sir.

Q. Is your system of time-cards the same as it was two years ago? A. Yes, sir.

Q. Is your system of stock slips just the same?

A. Just about the same, yes.

Q. Why do you qualify it? Is it not exactly the same?

A. I think they are. The system of time is a little different. They have introduced the clock system since that time. They did [646—557] not have it in the first place.

Q. What do you mean by the clock system?

A. Punching your time when you come in and go out.

Q. That you had two years ago?

A. Two years ago we did. During the time I have been there I mean.

Q. I am speaking of any difference, if there is any, between the time of to-day and two years ago?

(Testimony of R. H. Roberts.)

A. No, sir, I don't think there is.

Q. Now, what is your duty in the storeroom?

A. I give orders for everything I require there in the storeroom and serve it out and see that it is charged up to the different jobs.

Q. What is the storeroom?

A. The storeroom is the store where we keep all the material that is used in the works.

Q. All the material that is used in the works is under your supervision?

A. Mostly all. There are plates, etc., out in the yard. In the way of bolts and packing, valves, and things of that kind, they are in the storeroom.

Q. And you are the storekeeper? A. Yes, sir.

Q. And your assistant two years ago was a boy named Stephen Cronin? A. Yes, sir, one of them.

Q. Did you have any more than one assistant?

A. Yes, sir; I had two.

Q. At that time? A. Yes, sir.

Q. Stephen Cronin has said there was but one; is he mistaken?

A. I think he is. Stephen Cronin was the boy that I had most confidence in, and when there was anything to do I kept him there in the night-time to do it.

Q. Let me get back to the number of assistants that you had; he says that you and he in September, 1909, were the only ones in the storeroom; is that correct?

[647—558]

A. Possibly that may be; I am not quite sure about that.

(Testimony of R. H. Roberts.)

Q. Can you think of the name of the other man, if there was another man there or boy?

A. No, I cannot be sure. I had several of them, sometimes two or three, in the month.

Q. If his statement is that there was but yourself and himself, you would not want to contradict that?

A. No, sir.

Q. I understand that your knowledge of the job numbers comes from the office of the works?

A. Yes, sir.

Q. It comes to you on a written sheet of paper, the number? A. Yes, sir.

Q. And opposite the number is the material required of your department?

A. No, sir; opposite the number is the work on the ship to be done.

Q. You are not interested in the work in your department, are you?

A. That is the way the slips comes out.

Q. They do? A. Yes, sir.

Q. How do you get your order for the material required that is in your department?

A. By these tags.

Q. These tags that have been introduced, the larger part, if not all of them have been in your handwriting? A. No, sir, very few of them.

Q. Very few in your handwriting?

A. Very few in comparison with what has gone out of the storeroom.

Q. I am speaking of those that have been introduced in evidence, they have been in your handwriting?

(Testimony of R. H. Roberts.)

ing as I understood it.

A. That is for material mostly that we have ordered from San Francisco.

Q. And not from material that comes out of the shop or storeroom? A. Both, in fact. [648—559]

Q. Where do you get your information as to what is wanted that enables you to make out this slip in your own handwriting and charge the material to a certain job number?

A. The man that is in charge of the job comes in there; as a general rule, my head man in the yard—for instance, a valve is required to be bought in San Francisco, and he says, “Mr. Williamson says for you to order a valve for the steamer ‘Hilonian.’ ” I says, “What is the number of your job?” “The number of the job is so and so.” I order the valve through Mr. Speed and deliver it to the man who gave me the order for it when it gets there.

Q. Suppose it is something that is in your store-room that is wanted; how do you get that order?

A. He writes me an order like that.

Q. All the cards that you have introduced here in evidence, all these stock cards are for material ordered by you from the city? A. Not all of them.

Q. I want to know how you get the information for those cards containing the material that is in the storeroom? A. That I write myself.

Q. That you write yourself?

A. By men coming there in the night-time to look for material that cannot find the foreman to write

(Testimony of R. H. Roberts.)

one for them. I am authorized by Mr. Christy to use my judgment to write that card for the man instead of delaying the work and wait for the foreman to come in to write the card for them.

Q. Say that a man wanted something out of the storeroom, he can come to you under orders from Mr. Christy and get that material?

A. Yes, sir; that is, providing he cannot find his foreman.

Q. Providing he cannot find his foreman?

A. Yes, sir, to write in [649—560] that order.

Q. You take his word for it that he cannot find his foreman, do you not?

A. Yes, sir. That does not happen very often. It is very seldom that a man has to come under those conditions, only possibly in the evening after a day's work is done.

Q. The other stock cards that are handled by you are cards made out by foremen themselves?

A. Yes, sir, or a man in charge of the job.

Q. Or a man in charge of the particular job?

A. Yes, sir.

Q. Your work is confined entirely to the storeroom? A. Yes, sir.

Q. Do you have occasion to leave the storeroom in prosecuting your work? A. Sometimes, yes.

Q. Are you held responsible for the stores that are under your custody? A. Yes, sir.

Q. On your time-cards which have been introduced here in evidence I find No. 241. What is that?

(Testimony of R. H. Roberts.)

A. That is the general number for the storeroom, at the expense of the storeroom, charged to the job.

Q. Charged to what?

A. My time is charged to the storeroom under that number.

Q. You spoke of it being charged to a job; what do you mean by that?

A. I meant that the job number for the storeroom is No. 241.

Q. What does that mean?

A. That means whatever I am doing in the storeroom all day is charged to 241.

Q. You do not know who ultimately pays for the work done that you have charged to 241, whether it is the works itself, or some private outside customer?

A. The works itself pays for 241. [650—561]

Q. That is the shop? A. Sure.

Q. Not any particular number? A. No, sir.

Q. What does that work done under 241 consist of?

A. Everything I do there during the day.

Q. Everything that you do during the day?

A. Yes, sir, writing orders. Sometimes when we are rushed I help the boys to serve out the orders that men bring in there on their yellow tags, etc., receive material that comes out of the launch from the city. I write the orders for everything that is bought in the city. I go down to the launch when she arrives there and check it up just about quitting time.

Q. So that all your straight time is charged to the shop on 241? A. Yes, sir.

(Testimony of R. H. Roberts.)

Q. And not to any particular job? A. No, sir.

Q. With that statement in mind, Mr. Roberts, I hand you Exhibit 4 on which is charged 9 hours of work to 5295, and ask you how you explain that?

A. That was a holiday, and the only job that was running there during my presence in the storeroom.

Q. So that on holidays then your presence in the storeroom is not charged to the shop number?

A. No, sir.

Q. But is charged to a particular job that requires your presence there? A. Yes, sir.

Q. That is true, is it, of Sundays? A. Yes, sir.

Q. When you were absent from the storeroom Stephen Cronin had charge in September, 1909, did he? A. At the night-time?

Q. At any time?

A. Yes, sir, he was in there.

Q. He had charge?

A. Well, he was the only boy that was there. He allowed that he was the only one that was there.

[651—562]

Q. The custody of the storeroom was turned over to him, was it not, when you were not there?

A. Yes, sir.

Q. And he during your absence would honor these particular orders that were brought to him at that time? A. Yes, sir.

Q. And had authority to do so? A. Yes, sir.

Q. It is quite possible, is it not, Mr. Roberts, that during the daytime when you were working your work was performed for some special job number?

(Testimony of R. H. Roberts.)

A. Yes, sir.

Q. For instance, if we assume that the "Hilonian" job number is 5295, it is quite possible that during the day although your card shows a charge to 241, the shop number, that, as a matter of fact you did work during the day for 5295, although it is not charged to 5295?

A. No, sir, I would not charge it. It would not go in in any other way than the way I put it down on the card.

Q. I assume you have not charged it, but you did work for 5295 during the day.

A. In giving out stores?

Q. Yes, just as you do at night? A. Yes, sir.

Q. Only the difference being in the daytime you charge it to the shop and at night you charge it to the particular job? A. Yes, sir.

Q. In other words, all overtime was charged to a particular job? A. Yes, sir.

Q. And not to the shop? A. Yes, sir.

Q. You have not any recollection now of any of the work that you did at that time, any special work? A. No, sir.

Q. I understand that you simply received the order and saw that it had the proper number or a number, and you delivered the goods under that order to the man inquiring for it?

A. Yes, sir. [652—563]

Q. And there your duty ended? A. Yes, sir.

Q. In other words, you do not know what the man did with the goods?

(Testimony of R. H. Roberts.)

A. No, sir; I did not follow the man down to the ship to find out if he put it there or not. I know the man was working on the job and the number the material was used under was the right number.

Q. You knew it was the right number for the particular job because the slip said so? A. Yes, sir.

Q. And you knew it in no other way?

A. Yes, sir.

Q. And you knew that the man who got the material was supposed to use it on that number?

A. Yes, sir.

Q. And that is all? A. Yes, sir.

Q. You did not know that he did use it?

A. No, sir; I could not swear that he did. I do not see what else he could do with it.

Q. I show you stock card No. 20 that you have identified as being in your handwriting.

A. Yes, sir.

Q. You notice that that says "11 pieces of iron were delivered aboard of the 'Hilonian' ordered by Putzar." A. Yes, sir.

Q. How do you know it was delivered aboard of the "Hilonian"?

A. I don't know exactly now how I know, but it was ordered by Mr. Putzar and it was delivered aboard of her; I am sure it was delivered there, but I could not swear now whether it went aboard.

Q. Do you remember the piece of iron at all?

A. No, sir, I could not say that I do.

Q. Would that be the crude iron without any work on it in the shop?

(Testimony of R. H. Roberts.)

A. I think it would be. For a trolley rod there was not much work to be done on it.

Q. For a trolley rod there was not much work to be done on it? [653—564] A. Yes, sir.

Q. If there was any work done on it it was done after it left your store?

A. That piece of iron went out of the yard, not out of my storeroom. I did not keep that kind of iron in my storeroom.

Q. It was delivered by you out of the yard, was it, to somebody? A. Yes, sir.

Q. Suppose I should tell you Mr. Roberts that on that day under that job numbers 3 hours of work was done on that piece of iron in the shop—

Mr. FRANK.—I object to your stating that to the witness, because you are assuming a fact that is not in evidence here.

Mr. McCLANAHAN.—I am assuming a fact that is in evidence.

Mr. FRANK.—I think you are mistaken. There may be work done in the shop on trolley rods, but it does not follow that it was done on that piece of iron.

Mr. McCLANAHAN.—Q. Can you answer that question, Mr. Roberts? A. No, sir.

Q. Then I will ask you another. There is in evidence in this case the time-card of a man named R. Adamson dated September 21st, showing that 3 hours of work was done on a trolley rail under No. 5398. Is that not the same trolley rail?

A. Yes, sir, I think it is. This was ordered from

(Testimony of R. H. Roberts.)

Mr. Speed from the city. Mr. Putzar ordered it to be ordered for that job.

Q. Where did it go to after it left your hands?

A. Into the machine-shop.

Q. It did not go on board of the "Hilonian" then as you have written down there?

A. There must have been something went aboard the "Hilonian" or I would not have put it down there. [654—565] It is no object of mine to put it aboard the "Hilonian" if it was not put there. Possibly there was some measurement or something to be got out of that rod before it could go into the machine-shop to do the work on it. It weighed 56 pounds, and it was ordered from Mr. Speed for that job, and Mr. Putzar ordered it.

Q. I was trying to point out to you that perhaps there is a mistake in your saying it was delivered aboard of the "Hilonian."

A. No, sir, I don't think there was or else I would not have put it on that card.

Q. Your exhibit No. 2 of the stock cards is for 21½ combination Indian oilstones. What are they for?

A. Sharpening tools, I guess. They were bought from Mr. Speed in the city. There is the order number they were ordered on (pointing). I neglected to put Mr. Speed's name on that, but that is my order that went to San Francisco to buy them.

Q. You are pointing to B737. A. Yes, sir.

Q. What is this number up here, 5325?

A. That is the number of the job.

Q. Is that the number that is charged with the

(Testimony of R. H. Roberts.)

material shown by the card? A. Yes, sir.

Q. Are you familiar with Indian oilstones?

A. No, sir.

Q. You don't know what they are?

A. Yes, sir, I know what they are.

Q. It is simply a common ordinary oilstone to sharpen a tool on? A. Yes, sir.

Q. When you need oilstones to sharpen tools you order them from the city, do you, as a rule?

A. Yes, sir, always.

Q. Why do you charge them to any particular job?

A. Because the tools in that case had to be sharpened for that job. [655—566]

Q. When the tools are sharpened and the job is finished what becomes of the oilstones? It still remains in the shop? A. If they are not used up.

Q. It still remains in the shop?

A. I suppose so.

Q. That is equally true of other material that is not used up with the job, it remains in the shop?

A. I don't know anything about that, sir.

Q. On your exhibit No. 5 there are 5 pounds of black blasting powder; do you know what that is used for? A. Yes, sir.

Q. What?

A. On a machine that they drive out coupling bolts out of a shaft.

Q. Used in a cannon, was it not?

A. A kind of a cannon.

Q. The cannon belongs to the shop, does it not?

(Testimony of R. H. Roberts.)

A. Yes, sir.

Q. On your exhibit No. 6 you have 300 feet of No. 18 marine portable cable charged to 5295. Do you wish to see it? A. Yes, sir.

Q. Do you know what that was used for (Handling)?

A. Yes, sir; to give lights on the job. It was bought from the Western Electric.

Q. To give lights on the job? A. Yes, sir.

Q. That is, this cable was strung throughout the ship as the support for electric lights?

A. I guess so. It looks like it.

Q. Of course you do not know that it was done.

A. It was ordered for that purpose; that is all I know about it.

Q. But you do not know that it was strung on the ship?

Mr. FRANK.—What are you asking the witness for if you know he does not know? You put in a lot of immaterial stuff in just that way. [656—567]

Mr. McCLANAHAN.—If it is immaterial it will not hurt any.

Mr. FRANK.—If you do not think it will hurt any, well and good.

Mr. McCLANAHAN.—The case has a good deal of immaterial stuff in in my judgment. We may differ in our opinion as to what is immaterial and what is not.

Mr. FRANK.—Very well.

Mr. McCLANAHAN.—Q. On your exhibit No. 11 you have 250 feet of No. 14 twin conducting rub-

(Testimony of R. H. Roberts.)

ber-covered wire. Do you know what that is for?

A. For lights, I guess.

Q. The same thing as the cable? A. Yes, sir.

Redirect Examination.

Mr. FRANK.—Q. Mr. Roberts, when you say that the oilstones were used for sharpening tools on I presume you did not go down to see what they were used for, did you?

A. No, sir. But I remember the man stating that they were something in connection with the bearings that they had tools to sharpen.

Q. Trueing up the crank-pins? A. Yes, sir.

Q. That is all you know about it?

A. Yes, sir, that is all.

Q. Now, with reference to the Exhibit No. 20, the trolley iron going on board of the "Hilonian," I understood you to say it must have gone on board or you would not have put it down there?

A. No, sir.

Q. In other words, you knew it was right at the time?

A. Yes, sir. I ordered it from Mr. Speed for that job. It came from San Francisco to do that same particular job, and Mr. Putzar, the chief engineer, was the man that ordered it.

Q. Do you remember a man by the name of Ahrens? A. Yes, sir.

Q. Do you know whether or not he was in the storeroom some time in [657—568] your absence.

A. Yes, sir, I know he was.

Q. What was done in the storeroom besides hand-

(Testimony of R. H. Roberts.)

ing out material? Did you have any machine in there for any purpose?

A. Yes, sir. We had a machine in there for threading bolts.

Q. You did the work of threading bolts in the storeroom? A. Yes, sir.

Q. Who did that? A. The boys.

Mr. McCLANAHAN.—Is this redirect?

Mr. FRANK.—Redirect.

Q. The boys?

A. The boys in the storeroom. Sometimes, if we were any too busy, we borrowed a boy out of the machine-shop.

Q. When that material came in for any particular work, how was it charged, to the shop number or to the job? A. To the job.

Q. So that on the boy's card there might be charges to a particular job during the daytime because he was threading bolts for that job?

A. Sure. Everything that comes in there from the outside, every job in the yard, I give him his time and say, "Now, it is half-past 9; charge so much for that, and let me know when you get through." I say, "How long have you been there?" "I am just finished." "Charge half an hour on that job." There are jobs coming in in that way all day long from time to time, from carpenters doing jobs in the yard and on the ships and right along in that way.

Q. At any rate, where there is a particular job done on the machine in a daytime it is charged to

(Testimony of R. H. Roberts.)

that particular number? A. Yes, sir.

Q. The handing out of materials or things of that sort is not [658—569] charged to any number?

A. No, sir.

Q. Unless it is done after quitting time?

A. Unless it is done after quitting time when they are working overtime on that particular job.

Recross-examination.

Mr. McCLANAHAN.—Q. You say, Mr. Roberts, that during the daytime you take out your watch and tell the boy what time it is when he commences on a job, and tell him what time it is when he finishes the job? A. Yes, sir.

Q. What about night-time when you are not there?

A. When he quits, he knows when the whistle blows, if I leave him there in charge. By those cards you will find out in the early part of the night, say we quit at 5 o'clock, I have stayed there until 7 o'clock, or 6 o'clock, to see that everything is all right; from the time he quits his day's work he starts in on his other job; then there is a clock when he punches his time out that he can see the time when he finishes. That belongs to the yard. He has got to punch his time when he leaves the yard on that clock, and he can see the time if I am not there.

Q. That is how you think he computes his time.

A. Yes, sir.

Q. When you are not there?

A. Yes, sir; the number of hours is on his time-

(Testimony of R. H. Roberts.)

card, and he punches the card as he goes out. In my case, in some instances, on a holiday or something, I could not get at the clock to punch it in some cases; whenever he gets a chance to punch the clock his clock is on the outside, and mine is in the office, and the office is locked in some cases; on a Sunday, if no one of the bosses comes down, the office is locked; his clock can always be punched.
[659—570]

Q. Your office is closed, you say, on Sunday?

A. Sometimes; that is, the foreman in charge does not come down there as soon as I do; in coming by where the clock was on Sunday morning I could not punch the clock, for the simple reason there was no one in the office at the time.

Q. So that when the office is closed on Sundays or holidays there is no timekeeper in the office?

A. No, sir. In this case possibly there might have been.

Q. In what case.

A. In the case of this ship, because they were working there all the time.

Q. Was this the only ship that you worked on in September, 1909?

A. I could not say; there were a few other jobs.

Further Redirect Examination.

Mr. FRANK.—Q. Do I understand you to say that the office would not be open when you got there in the morning? A. Yes, sir, in the morning.

Q. Did you mean to be understood as saying that it would not be open during the day?

(Testimony of R. H. Roberts.)

A. Oh, no; it was open all day.

Q. You got there simply before the officeman?

A. Yes, sir, before the officeman. Mine individually. The boy's clock was always on the outside. I had to go in there to punch my clock.

(An adjournment is here taken until to-morrow, Wednesday, September 6th, 1911, at 9:30 A. M.)
[660—571]

Wednesday, September 6th, 1911.

[Testimony of George La Violette, for Libellant.]

GEORGE LA VIOLETTE, called for the libellant, sworn.

Mr. FRANK.—Q. Mr. La Violette, you were in the employ of the United Engineering Works in August and September, 1909? A. Yes, sir.

Q. In what capacity?

A. Captain of the launch.

Q. That is a launch that is used by the Iron Works for carrying material between the Works and San Francisco?

A. Yes, sir; used for all purposes.

Q. That is one of the purposes? A. Yes, sir.

Q. Are you in their employ now? A. No, sir.

Q. How long since you left their employ?

A. About 4 or 5 months, I guess.

Q. During the time that you were in their employ, Mr. La Violette, did you keep a record of the time that you worked upon different jobs that were given to you? A. I took time mentally.

Q. I mean did you have these time-cards?

A. Yes, sir, I had cards for everything.

(Testimony of George La Violette.)

Q. Besides the mere transportation of material between the works and different points in San Francisco, did you have anything else to do with the material? A. Besides the Works material?

Q. No. Besides carrying the material in the boat from point to point, did you handle it?

A. Yes, sir.

Q. In what way?

A. Discharged it, loaded it on, or stored it away.

[661—572]

Q. Did you do anything else with it?

A. Unloaded off wagons; general all around handling of it.

Q. Now, I will show you a card dated August 24th, time-card bearing your name, and ask you if that is a card made out by you and in your own handwriting. A. Yes, sir.

Q. At the time it was made out did you know it to be correct and handed it in to the office as a correct statement of the time employed by you on the several jobs named? A. Yes, sir.

Q. How did you get the job numbers to which those several charges are made?

A. I got those job numbers off of the storeroom keeper, off of his material number sheet, called a job number sheet.

Q. That is a sheet that is sent in from the office?

A. Sent in from the office.

Q. How did you keep track of your time?

A. I looked at my watch every new job I entered on, and kept time mentally until the end of the day.

(Testimony of George La Violette.)

On all the separate jobs the time of cartage was divided up.

Q. That is if you had several pieces on different jobs on board, the time of transportation was divided up among those pieces?

A. Divided up among those pieces.

Q. I understand you to say that you had to handle them separately, loading them and unloading them?

A. Separately.

Q. How did you keep that time?

A. I kept that time mentally. I looked at my watch every time I got through. [662—573]

(The card is marked "La Violette No. 2.")

Mr. FRANK.—Q. I now show you a card bearing your name dated, September 10th, and ask you whether or not that is in your own handwriting, made out on that date, and known by you to be correct at the time that you handed it in, and made out in the same manner that you have testified to concerning the other cards. A. That is correct.

Mr. FRANK.—We offer this card in evidence and ask that it be marked La Violette No. 3.

Mr. McCLANAHAN.—We make the same objection.

(The card is marked "La Violette No. 3.")

Mr. FRANK.—Q. I now show you a card bearing your name, dated September 11th, and ask you whether or not that is in your own handwriting, made out on that date, and known by you to be correct at the time that you handed it in, and made out in the same manner that you have testified to con-

(Testimony of George La Violette.)

cerning the other cards.

A. There has been one alteration made in that card after I turned it in.

Q. Well, in case of an alteration of that sort did the timekeeper call your attention to it?

A. Yes, sir.

Q. Talked to you about it? A. Yes, sir.

Q. Did you agree with him on it as to its correctness?

A. Yes, sir. The alteration was always made when he would come to see me, or when I saw him next morning in the office.

Mr. FRANK.—We offer this card in evidence and ask that it be marked La Violette No. 4. [663—574]

Q. With reference to the time of transportation across the bay, state whether or not that was generally a pretty regular amount of time.

A. It would average 45 minutes.

Q. It would average 45 minutes? A. One way.

Q. One way?

A. Yes, sir, that is if I had to run to regular points. If I had to go to extra places, why it took longer.

Q. I notice on this card of August 24th, “295, 2 hours towed ‘Hilonian.’ ” What does that mean? Did you tow the “Hilonian”?

A. Yes, sir; I towed her around from one side of the wharf to the other, or swinging her around in the channel, or something like that, the exact time.

Mr. FRANK.—Now, we offer this card in evidence and ask that it be marked La Violette No. 1.

(Testimony of George La Violette.)

Mr. McCLANAHAN.—We object to the offer on the ground that it is incompetent, irrelevant and immaterial, hearsay, self-serving, and not binding on the respondent.

(The card is marked “La Violette No. 1.”)

Mr. FRANK.—Q. I now show you a card bearing your name of August 27th, and ask you whether or not that is in your own handwriting, made out on that date, and known by you to be correct at the time you handed it in. A. Yes, sir.

Q. Made out in the same manner that you have testified to concerning the other cards? A. Yes, sir.

Mr. FRANK.—Now, we offer this card in evidence and ask that it be marked La Violette No. 2.

Mr. McCLANAHAN.—We make the same objection. [664—575]

Mr. McCLANAHAN.—We make the same objection.

(The card is marked “La Violette No. 4.”)

Mr. FRANK.—Q. I now show you a card bearing your name dated, August 30th, and ask you whether or not that is in your own handwriting, made out on that date, and known by you to be correct at the time that you handed it in, and made out in the same manner that you have testified to concerning the other cards. A. That is correct.

Mr. FRANK.—Now, we offer this card in evidence and ask that it be marked La Violette No. 5.

Mr. McCLANAHAN.—We make the same objection.

(The card is marked “La Violette No. 5.”)

(Testimony of George La Violette.)

Mr. FRANK.—Q. I now show you a card bearing your name dated, August 31st, and ask you whether or not that is in your own handwriting, made out on that date, and known by you to be correct at the time that you handed it in, and made out in the same manner that you have testified to concerning the other cards? A. That is my card.

Q. Is that correct? A. Yes, sir.

Q. In the same way that the rest of them were?

A. Yes, sir.

Q. I notice that is towing the “Hilonian” again, 5295. A. That is correct. That time was correct.

Mr. FRANK.—Now, we offer this card in evidence and ask that it be marked La Violette No. 6.

Mr. McCLANAHAN.—We make the same objection. [665—576]

(The card is marked “La Violette No. 6.”)

Mr. FRANK.—Q. I now show you a card bearing your name dated, September 1st, and ask you whether or not that is in your own handwriting, made out on that date, and known by you to be correct at the time that you handed it in, and made out in the same manner that you have testified to concerning the other cards. A. That is correct.

Q. I notice that on 5295, there is a change in the number there. Is that change in your own handwriting?

A. No, sir, the bookkeeper made that change.

Q. Whom do you mean by the bookkeeper?

A. The timekeeper.

Q. U. I. W. what does that mean?

(Testimony of George La Violette.)

A. The Union Iron Works.

Q. From the Union Iron Works?

A. From the Union Iron Works.

Mr. FRANK.—Now, we offer this card in evidence and ask that it be marked La Violette No. 7.

Mr. McCLANAHAN.—We make the same objection.

(The card is marked “La Violette No. 7.”)

Mr. FRANK.—Q. I now show you a card bearing your name dated, September 8th, and ask you whether or not that is in your own handwriting, made out on that date, and known by you to be correct at the time that you handed it in, and made out in the same manner that you have testified to concerning the other cards. A. That is correct.

Mr. FRANK.—Now, we offer this card in evidence and ask that it be marked La Violette No. 8.

Mr. McCLANAHAN.—We make the same objection.

(The card is marked “La Violette No. 8.”)
[666—577]

Mr. FRANK.—Q. I now show you a card bearing your name, dated September 13th, and ask you whether or not that is in your own handwriting, made out on that date, and known by you to be correct at the time that you handed it in, and made out in the same manner that you have testified to concerning the other cards.

A. There have been some changes made on that card.

Q. Changes made by whom?

(Testimony of George La Violette.)

A. The timekeeper.

Q. In the same manner in which you have specified? A. Yes, sir, he consulted me about it.

Q. And the card was correct at the time you handed it in? A. Yes, sir.

Q. With the exception of those changes?

A. Yes, sir.

Q. And you knew those changes to be correct at the time they were made?

A. Yes, sir, the time was correct, but the numbers were wrong.

Mr. FRANK.—Now, we offer this card in evidence and ask that it be marked La Violette No. 9.

Mr. McCLANAHAN.—We make the same objection.

(The card is marked “La Violette No. 9.”)

Mr. FRANK.—Q. I now show you a card bearing your name dated, September 14th, and ask you whether or not that is in your own handwriting, made out on that date, and known by you to be correct at the time that you handed it in, and made out in the same manner that you have testified to concerning the other cards.

A. The time is correct, but there is a change in the number again.

Q. In the same way? A. Yes, sir.

Mr. FRANK.—We offer this card in evidence and ask that it be marked La Violette No. 10. [667—578]

Mr. McCLANAHAN.—We make the same objection.

(Testimony of George La Violette.)

(The card is marked "La Violette No. 10.")

Mr. FRANK.—Q. I now show you a card bearing your name dated, September 16th, and ask you whether or not that is in your own handwriting, made out on that date, and known by you to be correct at the time that you handed it in, and made out in the same manner that you have testified to concerning the other cards. A. That is correct.

Mr. FRANK.—Now, we offer this card in evidence and ask that it be marked La Violette No. 11.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is marked "La Violette No. 11.")

Mr. FRANK.—Q. I now show you a card bearing your name, dated September 20th, and ask you whether or not that is in your own handwriting, made out on that date, and known by you to be correct at the time that you handed it in, and made out in the same manner that you have testified to concerning the other cards.

A. The time is correct. The card is correct.

Mr. FRANK.—Now, we offer this card in evidence and ask that it be marked La Violette No. 12.

Mr. McCLANAHAN.—We make the same objection.

(The card is marked "La Violette No. 12.")

Mr. FRANK.—Q. I now show you a card bearing your name dated, September 22d, and ask you whether or not that is in your own handwriting, made out on that date, and known by you to be correct at the time that you handed it in, and made out

(Testimony of George La Violette.)

in the same manner that you have testified to concerning the other cards. A. That is correct.

Mr. FRANK.—We offer this card in evidence and ask that it [668—579] be marked La Violette No. 13.

Mr. McCLANAHAN.—We make the same objection.

(The card is marked “La Violette No. 13.”)

Mr. FRANK.—Q. I now show you a card bearing your name, dated September 23d, and ask you whether or not that is in your own handwriting, made out on that date, and known by you to be correct at the time that you handed it in, and made out in the same manner that you have testified to concerning the other cards. A. That is correct.

Mr. FRANK.—Now, we offer this card in evidence and ask that it be marked La Violette No. 14.

Mr. McCLANAHAN.—We make the same objection.

(The card is marked “La Violette No. 14.”)

Mr. FRANK.—Q. I now show you a card bearing your name, dated September 24th, and ask you whether or not that is in your own handwriting, made out on that date, and known by you to be correct at the time that you handed it in, and made out in the same manner that you have testified to concerning the other cards. A. That is correct..

Mr. FRANK.—Now, we offer this card in evidence and ask that it be marked La Violette No. 15.

Mr. McCLANAHAN.—We make the same objection.

(Testimony of George La Violette.)

(The card is marked "La Violette No. 15.")

Mr. FRANK.—Q. Did any of the material that you carried have job numbers painted on it?

A. Sometimes it did. Sometimes it did not.

Q. What class of material would have job numbers painted on it?

A. Most all jobs besides the shop material.

Mr. FRANK.—We ask that the clock cards of August 28th, September 11th and September 25th, be marked La Violette No. 16, 17 and 18.

(The clock cards are marked "La Violette No. 16, 17 and 18." [669—580])

Cross-examination.

Mr. McCLANAHAN.—Q. Mr. La Violette, I do not clearly understand your method as shown by these cards of charging time to these several job numbers. You run a launch, or rather you did run a launch, did you?

A. Yes, sir, I did run one.

Q. What does this time on these several cards represent?

A. They represent my day's time of running that boat for the company.

Q. Well, now, we will take your exhibit No. 1 on which appears one of your towing charges for the "Hilonian," two hours; that I can understand. That is, you spent two hours in maneuvering with the "Hilonian"? A. Yes, sir.

Q. But what about the other hours charged to the other job numbers on that particular card? For instance, take the charge of two hours to 242. How did

(Testimony of George La Violette.)

you figure that out?

A. I put in two hours on that material for 242.

Q. Doing what with it?

A. Handling it, taking it across the bay, or bringing it to this side, or handling it over there, loading it and unloading it.

Q. Take the next number, three hours. How did you put in that time?

A. That is 60 drums of paint, three hours. I had to come from Oakland over to San Francisco, get those, load them on the boat and take them back again and discharge them.

Q. You have not now any clear recollection of this time? A. I have when I see the card; yes.

Q. That is, you look at the card and you say to yourself "I put that down at the time and believed it to be correct at the time." You have not any other independent recollection?

A. It was correct at the time. [670—581]

Q. But you have not any independent recollection now aside from the card?

A. I know the time is correct when I see it.

Q. I don't think you understand me.

A. I have no record you mean?

Q. No, you have no recollection now of the time except as your recollection is assisted by looking at the card? A. That is all I have now.

Q. You have forgotten long ago about this work that you performed? A. Yes, sir.

Q. Now, you spent some time in the launch going from one point to another. How did you apportion

(Testimony of George La Violette.)

that time? A. The time is all divided up.

Q. How divided up?

A. Well, if I had one job a day that time was put in on that one job. If I had two it was divided twice.

Q. Let us take an illustration. I show you Exhibit No. 3 which shows exactly nine hours of time on seven job numbers. A. Yes, sir.

Q. Now, how did you apportion the time for running the launch to those seven job numbers?

A. If I made one or two trips on that day I would divide whatever time it took me, an hour to cross, an average of 45 minutes, say. I divided that 45 minutes up.

Q. By seven? A. Yes, sir.

Q. 45 minutes by seven. We are assuming it was 45 minutes. A. It averaged 45 minutes.

Q. That would be one way? A. Yes, sir.

Q. You would go back?

A. That would all be divided up.

Q. That would be 90?

A. If I made two trips it would be four times 45 minutes. [671—582]

Q. Let us take two trips. That would be 180 minutes, would it not? A. Yes, sir.

Q. That you consumed on that particular day, assuming you made two trips of 45 minutes each?

A. Yes, sir.

Q. You divided the 180 by 7? A. Yes, sir.

Q. That would give you 25 and 7-10 minutes for each job? A. Yes, sir, on each job.

Q. Do you mean to say you would do that in every

(Testimony of George La Violette.)

case, divide it up in that way?

A. Every time. If I had 10 or 20 jobs the haulage across the bay was divided up.

Q. Would you be so exact as to divide the time of the launches making the trip across the bay by the number of the jobs that you then carried?

A. That is where the launch made the money for the company, and that is what I was exact about.

Q. You would be exact and divide that by the number of the jobs carried? A. Yes, sir.

Q. And to that you would add the actual time that you spent in handling each of the job number materials? A. Yes, sir.

Q. This was all a mental calculation, was it?

A. The time and the cartage would be mental, yes.

Q. That is the time on your trip across the bay would be a mental calculation?

A. What do you call mental?

Q. I mean by mental, you did not take a pencil and figure it up? A. No, sir.

Q. Or use a watch? A. I used my watch.

Q. You mean to say that you used a watch when you left and used a watch when you arrived?

A. Yes, sir, always.

Q. Always? A. Yes, sir.

Q. Then the mental calculation would be the dividing of the time among the job numbers?

A. Yes, sir. [672—583]

Q. How would you keep time of the handling proposition? Would you take out your watch when you commenced to unload a particular number?

(Testimony of George La Violette.)

A. I had the ferry building clock on this side and my watch on the other side.

Q. Answer my question: Would you look at a time-piece when you commenced to unload a particular number? A. Yes, sir.

Q. When you were through unloading you would look at the time-piece again? A. Yes, sir.

Q. And carry that result mentally in your mind? A. Yes, sir.

Q. Then you would commence on another number and look at the time-piece again? A. Yes, sir.

Q. And look at it when you had finished handling that second job? A. Yes, sir.

Q. You would carry that mentally in your mind? A. Yes, sir.

Q. And so on down the list? A. Yes, sir.

Q. Then you would take these mental calculations for the calculated time and add them to the divided launch time in making the trip? A. Yes, sir.

Q. And that result you would put down on the card? A. Yes, sir.

Q. When would you do that?

A. Every night and every morning.

Q. That is, you would put the result down every night? A. Yes, sir.

Q. You would make no memorandum until the night-time? A. I would make it up at night.

Q. I say you would make no memorandum until the night-time? A. Until the night-time.

Q. All day long you would carry these mental calculations in your head? A. Yes, sir. [673—584]

(Testimony of George La Violette.)

Q. No one checked up your time, of course? That is, no one knew the time that you spent on each job except yourself? A. Except myself.

Q. So that no one checked it up or had any control over it? A. No, sir.

Redirect Examination.

Mr. FRANK.—Q. When you say no one checked up your time you mean no one on board of the boat?

A. No one on board of the boat checked it up.

Q. How about the timekeeper?

A. He checked it up after he got the cards, after I made them out.

Recross-examination.

Mr. McCLANAHAN.—How do you know he checked them up? You just handed them in to him, didn't you? A. Yes, sir.

Q. That is the last that you saw of them?

A. No, sir, I saw them several times after that.

Q. What for?

A. I was in the office all the time and he would speak to me about my cards.

Q. What for?

A. To see if everything was all right. I always asked him for the numbers to see if the numbers were all right.

Q. I am speaking now of a card that was completed and handed in? A. Yes, sir.

Q. You do not know that he checked that up?

A. Yes, sir.

Q. How do you know?

(Testimony of George La Violette.)

A. Because I asked him if the card was all right.

Q. How did he know if it was all right or not?

A. I don't know how he knew that. He is supposed to.

Q. How is he supposed to know that the time on the card is all [674—585] right. He does not go with you on your trip, does he?

A. He gets the time from the clock card. If the time is not all right he tells me about it.

[Testimony of Charles A. Wilson, for Libelant.]

CHARLES A. WILSON, called for the libelant, sworn.

Mr. FRANK.—Q. Mr. Wilson, you were in the employ of the United Engineering Works in August and September, 1909? A. Yes, sir.

Q. In the machine-shop? A. Yes, sir.

Q. You kept your time, did you, of the work that you did on the different articles? A. Yes, sir.

Q. That you worked upon? A. Yes, sir.

Q. How did you keep your time?

A. When I would finish I would put it on the card.

Q. How would you know how much to put on the card? How would you keep that time?

A. By the clock, by the shop clock; take note at the time when I started the job and take note of the time when I would finish the job.

Q. When you took note of the time, did you make any record of it when you started and when you finished?

A. Only when starting a job mentally. When I finished the job I would put down the correct time.

(Testimony of Charles A. Wilson.)

Q. That is, when you started on the job you would look at the clock to see what time it was?

A. Yes, sir.

Q. When you finished it you looked again and then reported it; is that right? A. Yes, sir.

Q. I show you a card bearing your name, of September 6th, being one of the exhibits in this case, "Adamson No. 33," and ask you [675—586] whether or not that card is in your own handwriting and entered up in the manner in which you have testified, and whether you knew it to be correct at the time that you passed it in.

Mr. McCLANAHAN.—What is this? A re-identification of Adamson's work.

Mr. FRANK.—It is just what it purports to be. This man is testifying to his own card.

Mr. McCLANAHAN.—Adamson has already identified it.

Mr. FRANK.—Yes.

Mr. McCLANAHAN.—Then it is a re-identification.

Mr. FRANK.—Put it in any way you please. It is this man testifying to his own card.

Mr. McCLANAHAN.—Are we going all over Adamson in this way?

Mr. FRANK.—I don't know. You seem to have some doubts about some of Adamson's cards. I am going to remove all doubts as to the accuracy of this record. I do not want any question left open as to the accuracy of these cards.

A. This is my card.

(Testimony of Charles A. Wilson.)

Mr. FRANK.—Q. It is entered in the way in which you have testified? A. Yes, sir.

Q. Where did you get the job numbers from?

A. They were painted on the job.

Q. They were painted on the job when it was handed to you?

A. Yes, sir; if the job is not large enough for the number to be painted on, the shop foreman hands you a card with the number on.

Q. I do not know whether I asked you, so I will ask you again, that card is entered up in your own handwriting? A. Yes, sir.

Q. And you knew it to be correct at the time that you handed it in?

A. Yes, sir, it was. [676—587]

Q. I now show you a card bearing your name, of September 1st, also one of “Adamson’s Exhibits No. 33,” and ask you whether that is a card entered up by you in your own handwriting in the manner you have already testified to, and whether you knew it to be correct at the time that you passed it in.

Mr. McCLANAHAN.—I object to the question upon the ground that the matter has already been gone over by the witness R. Adamson, and the card now forms a part of “Adamson No. 33.”

A. Yes, sir.

Mr. FRANK.—Q. I now show you a card of September 9th, a part of “Adamson Exhibit No. 33,” and ask you whether or not that card was made out by you in your own handwriting in the manner in which you have already testified, and whether you

(Testimony of Charles A. Wilson.)

knew it to be correct at the time that you handed it in.

Mr. McCLANAHAN.—The same objection.

A. Yes, sir, that is my card.

Mr. FRANK.—Q. I now show you a card under date of September 12th, and marked “Adamson Exhibit No. 32,” and ask you whether or not that is a card made out by you in the manner you have already testified, and whether you knew it to be correct at the time that you handed it in, and whether it was in your own handwriting.

Mr. McCLANAHAN.—The same objection.

A. Yes, sir.

Cross-examination.

Mr. McCLANAHAN.—Q. You are still in the employ of the United Engineering Works?

A. Yes, sir.

Q. You have no present recollection of any of this work shown by these cards?

A. Not any more than what the cards show.

Q. You look at the cards and find they are in your handwriting? A. Yes, sir.

Q. And you verify them on that account?

A. Yes, sir. [677—588]

Q. Your card of September 6th contains on it four job numbers. Does the first job number shown on the card and the time opposite represent the first work done on that day? A. It does.

Q. And the second number represents the second work, and the third number the third work, and the last number the last work done on that day?

(Testimony of Charles A. Wilson.)

A. Yes, sir.

Q. Under the first number on the card representing the first work, there is a change of one hour?

A. Yes, sir.

Q. I understand, Mr. Wilson, that these cards are made out at the end of the day, are they?

A. Yes, sir.

Q. And handed in to the timekeeper, whoever it is? A. Yes, sir.

Q. Now, referring to that first number where you worked one hour, you first looked at the clock?

A. Yes, sir.

Q. Then when you had finished the work you looked at the clock again? A. Yes, sir.

Q. And you carried in your mind the mental calculation of one hour; is that correct?

A. At the end of that hour I put down what I did, and the number of the hours on the job, when the job is finished—each job. On some days there is more work than others and I could not carry it if I did not place it on the card.

Q. Do you remember the question that I asked you just before, if you made out these cards at the end of the day, and you answered yes; is that correct?

A. Yes, sir; I put this on another slip. I keep track on another slip.

Q. Oh, you have got another slip? A. Sure.

Q. So that if the second job then is commenced at a certain [678—589] time you put that down on that slip? A. Yes, sir.

Q. When you finish it you put that down on the

(Testimony of Charles A. Wilson.)

slip? A. Yes, sir.

Q. When you take up the third job, you put down the time on the slip? A. Yes, sir.

Q. When you finish it you put it on the slip?

A. Yes, sir.

Q. When you pick up the fourth job you put that on the slip? A. Yes, sir.

Q. And when you finish that job then you put that on the slip? A. Yes, sir.

Q. Is there anything else you put on the slip?

A. No, sir.

Q. Nothing else except the time? A. No, sir.

Q. So there is something that you carry in your mind where you work on several numbers, and that is what—the work done, is it not? A. Yes, sir.

Q. You use the slip only for keeping tab of the time? A. That is the idea.

Q. Had you forgotten about that slip when you were testifying on your direct examination and were asked how you kept time on these cards?

A. Yes, sir.

Q. You had forgotten about it? A. Yes, sir.

Q. When these cards were finished you put them in the box, didn't you? A. Yes, sir.

Q. And that is the last you saw of them?

A. It is.

Q. Do you know where they went to from the box?

A. To the timekeeper I should surmise, in the office.

Q. You don't know?

A. I could not say anything else.

(Testimony of Charles A. Wilson.)

Q. Did anyone have anything to do with your cards except yourself?

A. That is all. [679—590]

Q. Until you put them in the box? A. Yes, sir.

Q. In other words, you kept your own time?

A. Yes, sir.

Q. And no one checked it until it got into the office? A. No, sir.

Q. I hand you the same card of September 6th containing the four job numbers; is that all in your handwriting? A. It is.

Q. You did not make the red ink?

A. Except the red ink.

Q. And except the black ink? A. Yes, sir.

Q. All the pencil is yours? A. Just the pencil.

Q. Did you make these check marks here (pointing)? A. No, sir.

Q. Then it is not all in your handwriting. Who made those check marks? A. I could not say.

Redirect Examination.

Mr. FRANK.—Q. When you say you kept track of your time on your slips, how did you do it with respect to the numbers? Do you know what I mean? A. Not quite.

Q. Well, what else did you put on your slips besides the hours worked, to identify the work?

A. Whatever the job was.

Q. What do you mean by that—the job numbers?

A. Yes, sir.

Mr. McCLANAHAN.—I object to your leading him.

(Testimony of Charles A. Wilson.)

Mr. FRANK.—I want to find out what he knows.

Mr. McCLANAHAN.—So do I.

Mr. FRANK.—Q. Go on. What is it?

A. If it was a brass bolt, I would put on this slip so many hours, such a number, and a brass bolt.

Q. Then you put the whole record down on the slip just the same as on the card?

A. Yes, sir. [680—591]

Q. Did you notice on your cross-examination you were asked if the hours worked was the only thing you put down on the slip? A. Yes, sir.

Q. Did you mean to be understood as not having put down the article worked on?

A. No, sir; it was the article worked on, the number of the job, and the number of hours.

Recross-examination.

Mr. McCLANAHAN.—Q. Now, I understand, Mr. Wilson, that this slip was practically a duplicate of the entire matter on the time-card?

A. Yes, sir.

Q. Why did you not tell me that when I was cross-examining you?

A. I did not quite get on to the idea of what you were getting at.

Q. It requires Mr. Frank's assistance to put you on to the idea; is that it? A. Yes, sir.

Q. What was the object of keeping these slips which contained in them the exact information that you were going to put on the card?

A. I had no other way of keeping track of my time.

(Testimony of Charles A. Wilson.)

Q. Did you not have the cards? Why did you not put this information on the cards?

A. I don't quite understand you.

Q. You had the cards, the blank time-cards?

A. Yes, sir.

Q. Why did you not use the cards instead of the slip from time to time as you progressed with your work?

A. You must understand that my hands are very dirty. I don't care about putting a card in that they would not be able to read.

Q. By the way, what are you?

A. A machinist. [681—592]

[Testimony of W. B. Thomas, for Libelant.]

W. B. THOMAS, called for the libelant, sworn.

Mr. FRANK.—Q. Mr. Thomas, you were working in the United Engineering Works in August and September, 1909, were you? A. Yes, sir, I was.

Q. In what capacity? A. Machinist.

Q. When so working, Mr. Thomas, did you keep track of your time that you worked on each job?

A. I turned in my time-cards, of course.

Q. That is you kept track of your time?

A. Yes, sir.

Q. And put it on time-cards and passed them in; is that right? A. Yes, sir.

Q. How did you get your job numbers?

A. From the numbers painted on the job, the article worked on.

Q. And how did you keep track of the hours

(Testimony of W. B. Thomas.)

worked? A. By the clock.

Q. Did you make any record of it at the time that you started on the work?

A. When I finished the job I put the time down. I noted the time when I started.

Q. You noted the time when you started?

A. Yes, sir.

Q. And when you finished—

A. I put the time on my card.

Mr. McCLANAHAN.—I should like to have the witness testify himself.

Mr. FRANK.—That is what he is doing.

Mr. McCLANAHAN.—You come pretty nearly testifying yourself.

Mr. FRANK.—Not at all. I repeated what he said.

Q. Tell us over again, Mr. Thomas, how did you do it? [682—593]

A. I would note the time I started on the job, and when I finished the job I would put the time on a card and also the job number.

Q. You say on a card? A. Yes, sir.

Q. Was that the card that you passed in?

A. Yes, sir, a time-card similar to this (pointing).

Q. Similar to this?

A. The same as on the other cards.

Q. Did you use any means of memorandum before you copied it on to the card?

Mr. McCLANAHAN.—I object to the question as leading and suggestive. I must request, Mr. Frank, that you ask the witness to testify. It is clearly lead-

(Testimony of W. B. Thomas.)

ing and suggestive.

A. No, sir, I did not.

Q. Now, I show you a card of yours of August 25th, being a part of "Adamson Exhibit No. 55," and ask you if that is a card made out by you at the time indicated in your own handwriting and if you knew it to be correct at the time that you handed it in.

Mr. McCLANAHAN.—I object to the question upon the ground that the card has already been identified by Adamson and forms part of his exhibit No. 55, and that this evidence is encumbering the record.

A. I identify the card as my card.

Mr. FRANK.—Q. Was the card, at the time you made it out, correct? A. It was correct.

Q. You knew it to be correct at that time?

A. Yes, sir.

Q. I show you another card of yours of August the 26th, being a part of "Adamson Exhibit No. 55," and ask you if that is a card made out by you at the time indicated, in your own handwriting, and if you knew it to be correct at the time that you handed it in. [683—594]

Mr. McCLANAHAN.—The same objection.

A. Yes, sir; it is my card and I know it to be correct.

Q. I now show you a card of August 27th, being a part of "Adamson Exhibit No. 55," and ask you if that is a card made out by you at the time indicated, in your own handwriting, and if you knew it to be correct at the time that you handed it in.

(Testimony of W. B. Thomas.)

Mr. McCLANAHAN.—The same objection.

A. Yes, sir, that is my card.

Q. I now show you a card of August 28th, being a part of “Adamson Exhibit No. 55,” and ask you if that is a card made out by you at the time indicated, in your own handwriting, and if you knew it to be correct at the time that you handed it in.

Mr. McCLANAHAN.—The same objection.

A. That is my card, too.

Mr. FRANK.—Q. All these cards you testified to as having been correct at the time that you handed them in? A. Yes, sir.

Q. I now show you a card of September 1st, being a part of “Adamson Exhibit No. 53,” and ask you if that is a card made out by you at the time indicated, in your own handwriting, and if you knew it to be correct at the time that you handed it in.

Mr. McCLANAHAN.—The same objection.

A. That is my card.

Mr. FRANK.—Q. Made out in the manner in which you have testified? A. Yes, sir.

Q. I now show you the card of September 5th, being a part of the same exhibit and ask you if that is a card made out by you at the time indicated, in your own handwriting, and if you knew it to be correct at the time that you handed it in?

Mr. McCLANAHAN.—The same objection. [684—595]

A. That is my card.

Q. Made out by you in the same manner?

A. Yes, sir, made out by me in the same manner.

(Testimony of W. B. Thomas.)

Q. I now show you a card of September 6th, being part of the same exhibit, and ask you if that is a card made out by you at the time indicated, in your own handwriting, and if you knew it to be correct at the time that you handed it in.

Mr. McCLANAHAN.—The same objection.

A. That is my card.

Mr. FRANK.—Q. I now show you a card of September 7th, being part of the same exhibit, and ask you if that is a card made out by you at the time indicated, in your own handwriting, and if you knew it to be correct at the time that you handed it in.

Mr. McCLANAHAN.—The same objection.

A. That is my card.

Mr. FRANK.—Q. I now show you a card of September 8th, part of the same exhibit, and ask you if that is a card made out by you at the time indicated, in your own handwriting, and if you knew it to be correct at the time that you handed it in.

Mr. McCLANAHAN.—The same objection.

A. That is my card.

Mr. FRANK.—Q. I now show you a card of September 9th, part of the same exhibit, and ask you if that is a card made out by you at the time indicated, in your own handwriting, and if you knew it to be correct at the time that you handed it in.

Mr. McCLANAHAN.—The same objection.

A. That is my card.

Mr. FRANK.—Q. I now show you the card of September 10th, part of the same exhibit, and ask you if that is a card made out [685—596] by you at

(Testimony of W. B. Thomas.)

the time indicated, in your own handwriting, and if you knew it to be correct at the time that you handed it in.

Mr. McCLANAHAN.—The same objection.

A. That is my card.

Mr. FRANK.—Q. I now show you a card of September 12th, part of “Adamson’s Exhibit No. 54,” and ask you if that is a card made out by you at the time indicated, in your own handwriting, and if you knew it to be correct at the time that you handed it in.

Mr. McCLANAHAN.—The same objection.

A. That is my card, too.

Mr. FRANK.—Q. I notice on that card, that some of the numbers were changed in red ink; how was that done?

A. That is a mistake in the number.

Q. How was the change made?

A. By the timekeeper calling my attention to it, and by our going over the work together and tracing the thing up.

Q. And making the correction? A. Yes, sir.

Q. I now show you a card of September 15th, part of the same exhibit, and ask you if that is a card made out by you at the time indicated, in your own handwriting, and if you knew it to be correct at the time that you handed it in.

Mr. McCLANAHAN.—The same objection.

A. That is my card.

Mr. FRANK.—Q. I now show you a card of September 17th, being part of the same exhibit, and ask

(Testimony of W. B. Thomas.)

you if that is a card made out by you at the time indicated, in your own handwriting, and if you knew it to be correct at the time that you handed it in.

Mr. McCLANAHAN.—The same objection.

A. That is my card. [686—597]

Mr. FRANK.—Q. I now show you a card of September 19th, being part of the same exhibit, and ask you if that is a card made out by you at the time indicated, in your own handwriting, and if you knew it to be correct at the time that you handed it in.

Mr. McCLANAHAN.—The same objection.

A. That is my card, too.

Mr. FRANK.—Q. I now show you the card of September 21st, being part of the same exhibit, and ask you if that is a card made out by you at the time indicated, in your own handwriting, and if you knew it to be correct at the time that you handed it in.

Mr. McCLANAHAN.—The same objection.

A. That is my card.

Cross-examination.

Mr. McCLANAHAN.—Q. You are still with the United Engineering Works, Mr. Thomas?

A. I am.

Q. These cards were made out at night, were they?

A. Yes, sir, on the computation of the work, at night, except we were doing overtime and we worked late then it would be almost morning before I made them out.

Q. Was the whole card made out at night?

A. I mean add the time. We noted the job as

(Testimony of W. B. Thomas.)

we went along.

Q. That is, as you commenced on the job you put down the job number, and the hours worked as you finished on that job, and the character of the work?

A. Yes, sir, the class of the work.

Q. Then you would take up another job number or job and note the time, commence the work, and when you would finish note the time again?

A. Yes, sir.

Q. Put down the time?

A. Yes, sir, and the number. [687—598]

Q. And the character of the work?

A. Yes, sir.

Q. At the end of the day you would simply add up the time? A. Yes, sir.

Q. And put it down? A. Yes, sir.

Q. Then what would you do with the card?

A. Drop it in the box at the timekeeper's office.

Q. What became of the time after that?

A. The foreman went over it, I believe, and checked the time to see if it was correct, and the timekeeper also, I believe.

Q. You don't know anything about that, do you?

A. No, sir.

Q. No one had anything to do with your card during the day while you were keeping it? A. No, sir.

Q. No one had anything to do with keeping your time except yourself? A. No, sir.

Q. And when the day was finished the card passed directly from you to the box? A. Yes, sir.

Q. I see from these cards Mr. Thomas, that there

(Testimony of W. B. Thomas.)

is no connection of the time kept by you on any of them. Do you understand what I mean? No correction of the time on the cards?

A. No correction of the time?

Q. You understand what I mean? A. No, sir.

Q. I mean that the time entered by you remains uncorrected on all these cards, unchanged?

A. Unchanged.

Q. In other words, your time was never disputed by anyone? A. No, sir.

Q. In fact, there could be no one who would know anything about it except yourself?

A. No, sir—the clock would register that. If there was a mistake the clock card would not correspond with my time-card.

Q. The clock card simply shows the time that you go into the shop and the time you go out?

A. Yes, sir. [688—599]

Q. It does not show the time that you worked on particular jobs?

A. No, sir, it does not. It merely registers the time itself. It does not go into any details; that is, it does not mention no particular job; just the time starting and quitting.

Q. The time you go into the shop, and the time you come out? A. Yes, sir.

Q. That is all it registers? A. Yes, sir.

Q. No one but yourself knows how much time you put on each particular job?

Mr. FRANK.—How can the witness testify to that, whether anyone else knows or not?

(Testimony of W. B. Thomas.)

Mr. McCLANAHAN.—Let us see if he can answer.

A. The foreman would know who gave us the work. He would naturally know how much time we spent on it.

Q. Is that your answer?

A. He would know. He gave us the work.

Q. Is that your answer? A. Yes, sir.

Q. How many men are there in the machine-shop—were there at that time?

A. I don't know. I could not say.

Q. 30 or 40?

A. I don't know how many there were.

Q. You do not mean to say that the foreman attempts to keep the time of each of the men in the shop? A. No, sir, I do not mean to say that.

Q. Or much less would he pretend to keep the time that each man worked on each particular job number? A. No, sir.

Mr. FRANK.—I object to your attempting to argue that with the witness.

Mr. McCLANAHAN.—The witness has answered the question.

Mr. FRANK.—He has answered it argumentatively, yes.

Mr. McCLANAHAN.—Very emphatically. [689—600]

Mr. FRANK.—So far as he knows anything about it.

Mr. McCLANAHAN.—Q. You never report to the foreman or to the assistant foreman when you commence on a job, and when you finish that particu-

(Testimony of W. B. Thomas.)

lar job, do you, and the time you finish it?

A. I report in order to get some other work to commence on. I finish one job and tell him I am through to get something else to work on.

Q. You never report the time that you work?

A. I never report the exact number of hours.

Redirect Examination.

Mr. FRANK.—Q. How do you know, Mr. Thomas, whether the foreman is keeping tab on the number of hours that you work on any particular job or not? Do you pay any attention to what he is doing?

A. No, sir, I do not.

Q. So he might be keeping track of you, and you not know it?

A. Yes, sir he might be. [690—601]

[Testimony of Rudolf Schafer, for Libelant.]

RUDOLF SCHAFFER, called for the libelant, sworn.

Mr. FRANK.—Q. Mr. Schafer, you were working in the United Engineering Works in September, 1909? A. Yes; that is right.

Q. In what capacity, what were you?

A. Machinist.

Q. The time you were working there, did you keep a record of the job numbers and the hours worked upon them? A. Yes, sir.

Q. I show you a card dated September 5th and ask you if that is a card made out by you at that time for the work that you performed?

A. Yes; that is my writing.

(Testimony of Rudolf Schafer.)

Q. Is it in your writing? A. Yes, sir.

Q. Where did you get the job number from?

A. From the foreman; and it is written on the piece too.

Q. On the piece? A. Yes.

Q. How did you keep track of the number of hours that you worked on a particular job number? What I mean is this, how do you know how many hours you have worked on a particular job number? Do you know what that means?

A. Yes. When I get a job I put the job number down and the time from the last job and so that means that I start a different job this hour.

Q. Where do you put it down?

A. I put it down on this time-card here.

Q. That is, you put down the number on the time-card? A. Yes.

Q. When you say you put down the time of the last job, what do you mean?

A. I know how many hours—I see how many hours I work on that. I look at the clock, the clock is right in front of me, and that shows me how many hours I work on it.

Q. And then you pick up the next job number?

A. I put the next job number down and then when I am through I put the time down [691—602] again.

Q. This card which is shown you of September 1 is a part of Adamson No. 37. At the time that you passed that in, did you know it to be correct?

Mr. McCLANAHAN.—I object to the question on

(Testimony of Rudolf Schafer.)

the ground it is cumulative, the card being a part of Adamson Exhibit No. 37 already introduced and verified by the witness, and on the further ground that this examination is encumbering the record.

Mr. FRANK.—Read the question.

(The last question repeated by the Reporter.)

A. Of course; I know that.

Q. I now show you another card of September 6th, of Adamson Exhibit No. 37, and ask you if that is a card entered up by you at the time in your own handwriting in the same manner as you have testified to concerning the first card.

Mr. McCLANAHAN.—The same objection.

A. Yes; that is right; everything.

Mr. FRANK.—Q. And was it or was it not correct at the time that you passed it in?

A. It is correct; it is right there; everything is all right on this card.

Q. I now show you a card of August 30th, a part of Adamson Exhibit No. 37, and ask you whether that is a card entered up by you in your handwriting in the manner you have already testified and whether you knew it to be correct at the time it was passed in.

Mr. McCLANAHAN.—The same objection.

A. Yes, that is right.

Mr. FRANK.—Q. I notice on that card there are some changes made in red ink in the job numbers. How were those changes made?

Mr. McCLANAHAN.—Same objection, on the ground that it has [692—603] already been ex-

(Testimony of Rudolf Schafer.)

plained and amplified by Mr. Adamson.

A. You see here I put the wrong number down, and the timekeeper comes and tells me, "You put the wrong number down, and I am going to put this number down; is that right?" I says, "Yes." So he corrects that over with his own writing the wrong number. Yes, that is right.

Mr. FRANK.—Q. When he asked you if that is right, what would you do to find out whether it was right or not?

A. I go to the foreman and then I look at the piece; it is written there; if it is not right I would not allow him to put the number down.

Q. I now show you a card of September 10, a part of Adamson Exhibit No. 37, and ask you whether or not that is a card in your handwriting and made out in the manner you have already indicated respecting the other cards you have already testified to and whether you knew it to be correct at the time it was passed in.

Mr. McCLANAHAN.—The same objection.

A. Yes, that is right too. That shows that I was working on the right eccentric; it shows how careful I have been in this way; I been working on the right-hand eccentric; even that part is down.

Mr. FRANK.—Q. I now show you a card of September 1, a part of Adamson Exhibit No. 37, and ask you whether or not that is a card in your own handwriting, and made out in the manner you have already testified to and whether you knew it to be correct at the time you passed it in.

(Testimony of Rudolf Schafer.)

Mr. McCLANAHAN.—The same objection.

A. Yes, that is right. [693—604]

Cross-examination.

Mr. McCLANAHAN.—Q. Mr. Schafer, referring to your card of August 30, which contains five job numbers, as you see (showing).

A. Yes, five job numbers.

Q. Will you tell me how you kept the time on those five job numbers?

A. When I am through with the job I write it down, 11½, the eccentric, and then I start again another job with a different number and that I put down, the hours, and so on down to when the day is over.

Q. So you have this card with you all the time?

A. Yes, I keep that card right in front of me.

Q. Now, when this work is over you put this card in a box? A. Yes, sir.

Q. And it passes to the timekeeper?

A. Yes, a box, and it goes to the timekeeper, yes; nobody can go in there.

Q. And the timekeeper makes these corrections in the job numbers that we see in red ink?

A. The next morning, if I make a mistake, he comes to me, and I go to the foreman and I look at the piece and I see I am mistaken, so I tell him all right.

Q. Suppose the piece isn't there, then what do you do?

A. Go to the foreman, and there is a book there

(Testimony of Rudolf Schafer.)

where the job number is in there, and then he corrects that.

Q. Who was the foreman in September and August, 1909? David Doig?

A. Yes, David Doig; that is the man.

Q. He is the man that you go to? A. Yes.

Q. And make these corrections?

A. Yes; that is the man I go to.

Q. Do you make these marks on the cards, these check marks? A. No, sir.

Q. Who marks those?

A. I think that is right—that is right. [694—605]

Q. Who makes these, do you know?

A. I don't know who made that.

Q. Nobody keeps track of your time except yourself while you are working on the job?

A. Yes, and the timekeeper, of course, and the foreman.

Q. Timekeeper and the foreman?

A. Yes. When the card is wrong he comes in and tells me I got the wrong number.

Q. I am speaking about your time. A. Yes.

Q. Nobody keeps track of your time except yourself? A. Except myself, of course.

Q. Now, you are sure that you would go to David Doig with these cards and the timekeeper and make these corrections of the number?

A. Yes, of course; sure.

Redirect Examination.

Mr. FRANK.—Q. Do you remember Robert

(Testimony of Rudolf Schafer.)

Adamson? Do you know Robert Adamson?

A. I don't know if he was in this time. I have been in Europe 14 months, I can't remember that; if he had the charge of these books then or not. I can't remember that.

Q. You can't remember that? A. No, sir.

Q. Well, then, when this gentleman said to you that you went to David Doig as the foreman to change these numbers, do you remember that distinctly who it was that you went to as the foreman?

A. David Doig did that before Mr. Adamson did it.

Q. Yes, but you don't know—

A. It may be that Mr. Adamson did that—yes, I think Mr. Adamson did that in this time, when we was working on the “Hilonian.”

Q. So when you said it was David Doig you were thinking of the time before Adamson took up that job? A. Yes, sir.

Mr. McCLANAHAN.—I object to that as suggestive and leading. [695—606]

Mr. FRANK.—It is very plain what was done.

Q. Now, would you know whether Mr. Adamson was keeping track of your time or not? Did you know anything about it? Could Mr. Adamson be keeping track of your time without your knowing it?

Mr. McCLANAHAN.—I object to that on the ground that the witness has testified that he did not know he was there positively.

Mr. FRANK.—He said he did not know whether Adamson or Doig was there at the time. I will

(Testimony of Rudolf Schafer.)

change the question.

Q. The foreman, whoever it was, would you know whether he was keeping track of your time on each one of your jobs or not?

A. Oh, yes, he knows that all right, how long I work. Oh, yes, sure, he knows how long I work on a piece.

Q. On a piece? A. Oh, sure.

Recross-examination.

Mr. McCLANAHAN.—Q. You never had any dispute with the foreman about the time that you worked on a piece, did you?

A. Sometimes the foreman said, “Did you work so long on this piece?”

Q. Who would come and say that?

A. The foreman.

Q. And what did you say?

A. I said “Yes.”

Q. What did he say?

A. And he said, “Do you remember the time I gave you the other job,” and he said, “All right.”

Further Redirect Examination.

Mr. FRANK.—Q. That is, sometimes there would be a question about it and you would go over it together? A. Yes, sir. [696—607]

[**Testimony of P. Mockel, for Libelant.**]

P. MOCKEL, called for the libelant, sworn.

Mr. FRANK.—Q. Mr. Mockel, you were employed at the United Engineering Works, were you, in August and September of 1909? A. Yes, sir.

(Testimony of P. Mockel.)

Q. Did you keep a record of your time that you worked on each job? A. Yes, sir.

Q. I now show you a card dated August 31, it being a part of Adamson Exhibit No. 5, and ask you if that is a card made out by you in your handwriting, making a record of the time worked on the several jobs on that day, August 31.

Mr. McCLANAHAN.—I object to the question on the ground that the card has already been identified by Adamson and forms a part of his Exhibit No. 5; on the ground that it is cumulative, and on the ground that it is encumbering the record by the further examination of the card.

Mr. FRANK.—Q. What is your answer?

A. Yes, that is my writing.

Q. How did you get the job numbers?

A. They were written right on the job with chalk or generally painted on with white lead.

Q. How did you keep a record of the hours worked on each job?

A. If I would get a job I would look at the job. I had a slate there on the machine that I worked by, generally, a big slate, and I always kept a record on the slate there.

Q. What would you put on the slate?

A. Well, I put the time from when I started in until I finished; then I would erase that and just put down the job and the time I had on it, each time.

Q. That is the job number and the time you had on it? [697—608]

A. The time I started and then to the time I fin-

(Testimony of P. Mockel.)

ished. When I would get finished with the job I would write it on the other side of the slate and then erase this, and on the other side of the slate would be the time I put on that job, just as if I were going to write out my time-card.

Q. I notice on this card of August 31 there are two changes in red ink of job numbers. Do you know how that occurs?

A. Well, probably that is an overlook of mine on the numbers; there happened to be a few job there; just an overlook on the slate, probably, just mixing them.

Q. How is that change made?

A. Well, I suppose it is made by the timekeeper. I know he generally comes out and rectifies the mistake and I show him the job and he looks it over and then we conclude that that is the right number. He tells me the number of it and I take the number he gives me, in case I should happen to be working on the job, and put it down on it. The timekeeper rectifies the mistake.

Q. In this case it is a change from 52 to 25 is it not? The numbers are reversed?

A. That is it, yes, 52 to 25.

Q. At the time that this card was made out and passed in finally as correct you knew it then to be a correct record of the work that you did?

A. Yes, sir.

Q. I show you a card of September 8th, being a part of Adamson Exhibit No. 5, and ask you if that is a record made by you in the same manner you have

(Testimony of P. Mockel.)

just testified to, and whether you knew it to be correct at the time you passed it in to the office.

Mr. McCLANAHAN.—The same objection.

A. Yes, sir.

Mr. FRANK.—Q. I show you now a card dated September 9th, [698—609] being part of Adamson Exhibit No. 5, and ask you if that is a record made by you in the same manner which you have testified to concerning the first one, and known by you to be correct at the time you passed it in to the office.

Mr. McCLANAHAN.—The same objection.

A. Yes, sir. That is written out by me.

Mr. FRANK.—Q. I note here also a change in the job numbers.

A. That was done by the timekeeper; he came to see me about it.

Q. The same way you have already testified?

A. Yes, sir.

Q. I show you now a card dated September 11th, being a part of Adamson Exhibit No. 5, and ask you if that is a card made out by you in the manner in which you have already testified, and passed in as correct by you at the time.

Mr. McCLANAHAN.—The same objection.

A. Yes; that is my writing.

Mr. FRANK.—Q. I show you now a card of September 12th, being a part of Adamson Exhibit No. 6, and ask you if that is a card made out by you in the manner in which you have already testified, and passed in as correct by you at that time.

(Testimony of P. Mockel.)

Mr. McCLANAHAN.—The same objection.

A. Yes; that is my writing.

Mr. FRANK.—Q. I show you now a card of September 13th, being a part of Adamson Exhibit No. 6, and ask you if that is a card made out by you in the manner in which you have already testified, and known by you to be correct at the time you passed it in.

Mr. McCLANAHAN.—The same objection.

A. Yes; that is my writing.

Mr. FRANK.—Q. By your writing, you mean that is your card [699—610] made out in the way in which you have testified to? A. Yes, sir.

Q. I now show you a card of September 14, being a part of Adamson Exhibit No. 6, and ask you if that is a card made out by you in the manner in which you have already testified, and known by you to be correct at the time you passed it in.

Mr. McCLANAHAN.—The same objection.

A. That is my writing, and written out according to the way I have already testified.

Mr. FRANK.—Q. Now, I show you a card dated September 15th, being a part of Adamson Exhibit No. 6, and ask you if that is a card made out by you in the manner in which you have already testified, and known by you to be correct at the time you passed it in.

Mr. McCLANAHAN.—The same objection.

A. That is my time-card, that I wrote out.

Mr. FRANK.—Q. I show you now a card dated September 17th, being a part of Adamson Exhibit

(Testimony of P. Mockel.)

No. 6, and ask you if that is a card made out by you in the manner in which you have already testified, and known by you to be correct at the time you passed it in.

Mr. McCLANAHAN.—The same objection.

A. That is another one I wrote out.

Mr. FRANK.—Q. I show you now a card dated September 20th, being a part of Adamson Exhibit No. 6, and ask you if that is a card made out by you in the manner in which you have already testified, and known by you to be correct at the time you passed it in. [700—611]

Mr. McCLANAHAN.—The same objection.

A. Yes, that is my time-card.

Mr. FRANK.—Q. I show you now a card dated September 21st, being a part of Adamson Exhibit No. 6, and ask you if that is a card made out by you in the manner in which you have already testified, and known by you to be correct at the time you passed it in.

Mr. McCLANAHAN.—The same objection.

A. Yes, that is my card.

Cross-examination.

Mr. McCLANAHAN.—Q. What kind of a slate was this, Mr. Mockel, that you made your memorandum on?

A. A slate about 8 by 12; it is a regular school slate, what they use in schools; the identical thing.

Q. That was your individual slate, was it?

A. Yes.

Q. Belonged to you individually?

A. Yes, sir.

(Testimony of P. Mockel.)

Q. How did you get the time, on your clock or watch?

A. The clock in front of me, all the time; just right in front.

Q. Nobody checks your time except yourself?

A. Myself, that was all, before I hand them in.

Q. When you handed it in it passed into the office?

A. Yes.

Q. Did you say that the job number was painted on the iron or work, whatever it was?

A. It was generally with a little brush; that is, in large work. Of course, in other work it was just written in chalk, written right on with chalk.

Q. And you would go to the piece that you were to work on and see the job number and copy it at once on to the slate?

A. Yes. There was some; if there was no place for any writing by [701—612] chalk, a little yellow slip was always handed to me, giving me the job number and what it was for.

Q. Now, I refer to your card of September 17th. I call your attention to the last job number appearing on that card which seems to have been originally 2255. A. I see that.

Q. And it was changed in red ink by the time-keeper, as I understand it, to 5029? A. Yes, sir.

Q. Now, how is that change made? You and he went to the piece of work and found that the number was 5029 on it?

A. Well, he came to me and he asked me about that number. He asked me if I did not have the

(Testimony of P. Mockel.)

wrong number. Well, then, I says, "I don't know," "not unless I made a mistake in copying it down," and I went to the work with him and him and I talked it over and he told me that I had the wrong number or made a mistake. I would show him everything and then we decided that I had made a mistake in getting down the numbers.

Q. Well, the marking on the material itself would settle the question, would it not?

A. Yes. That is how we decided it; I brought him right over to it.

Q. That is, the marking on the plate or whatever it was was 5029 and not 2255? A. That is it.

Q. How could you possibly make such a mistake?

A. Well, you see, when I finish a job I throw it right on the floor and probably the helper takes it to the front of the shop to be taken out in a boat, and I have a record of the number right there at the machine, and so I take up another job and evenings I write it down, and I have quite a few numbers on the slate, and just about quitting [702—613] time, I might have been in a little hurry and overlooked the number, just copied the wrong number down.

Q. Well, referring specially to this card of September 17, you must have got from something that number 2255? A. I certainly must have.

Q. And put it down correctly on your slate. Now how do you account for the change from 2255 to 5029?

A. Well, I had the right numbers in the slate and I just probably had just a look at the slate quick,

(Testimony of P. Mockel.)

and thought in my mind that was the number, and I just put that number that I had in my mind at the time down.

Q. Now, isn't it—

Mr. FRANK.—Do you recall the fact, Mr. McClanahan, that neither of these are “Hilonian” numbers? I object to that as immaterial.

Mr. McCLANAHAN.—Q. Isn't it so, Mr. Mockel, that the timekeeper would come in to you and tell you he was going to change that number from whatever you had it on your card to some other number, and make the change without consulting the piece from which you copied the number originally? Wouldn't he do that sometimes?

A. No. As long as I have been working there he has never done that.

Q. What is your occupation? A. Machinist.

Q. Where would these changes in red ink be made?

A. Well, he always had a pencil and just write in front of me—I think he had always brought a tablet with him and he would mark it down and put a little check mark alongside the job. I don't know whether you can recognize it; then he would go over it with the ink. [703—614]

Q. Is that the check you refer to (pointing)?

A. I don't know what kind of a check he made, but I know he always put it down.

Q. Well, you see these check marks on your card, don't you?

A. Well, those check marks are O. K.

Q. You refer to his checking something. Are

(Testimony of P. Mockel.)

those his check marks (pointing)? A. Yes.

Q. The timekeeper's check mark? A. Yes, sir.

Q. Made in your presence?

A. Yes. Just runs down them and checks them up, all that are O. K.

Q. What was the timekeeper's name at that time?

A. Wait a minute. I know he is a one-armed fellow; Sjoberg.

Q. So those check marks represent his checking up your work, your time-card?

A. Well, he checked them in my presence. You see those were O. K.'d.

Q. He is the proper man to check over your card, is he?

A. Well, I suppose he is. I don't know what—

Q. Did he always do it?

A. He always did it, yes.

Q. In your presence? A. Always.

Redirect Examination.

Mr. FRANK.—Q. Do you know how your cards were checked up O. K. in the office, Mr. Mockel?

A. I don't know what went on at all in the office—just he would come out to see me.

Q. Do you know whether or not Adamson, the assistant foreman, ever checked up your cards?

A. Yes. I noticed he did go almost every morning into the office and I was often told he was in checking up the cards.

Mr. McCLANAHAN.—I object to that and ask that it be stricken [704—615] out as hearsay, what the witness was told.

(Testimony of P. Mockel.)

The WITNESS.—Well, he has told me himself.

Mr. McCLANAHAN.—Wait a moment.

Mr. FRANK.—Wait a moment. That is all right; nobody is hurt.

Q. Now, would the timekeeper come out to see you on any occasion except when there was to be a change made in your number or something of that sort? A. That is all, the only time he ever came.

Q. He did not come every day?

A. No, sir, not to me.

Q. I will show you now a card of September 14th; you notice there are check marks on that card too?

A. Yes, sir.

Q. That would not be made as you have suggested in your presence?

A. Well, he has always made the check marks right in my presence on the end there.

Q. But he would not bring that card to you at all, would he? A. Oh, no, not that card; no, sir.

Q. When you say he made the check marks in your presence you mean in the cases where he made a change in the number?

A. The check marks would be O.K.; the number would be all right, satisfactory. In a case, for instance, there would be a number wrong, and he would have the card in his hands, and he showed me the wrong number, he checked the number off that he asked me about. The other ones he would not go through.

Q. But it was only in those cases—

A. Only in those cases that I noticed.

(Testimony of P. Mockel.)

Q. —that he ever came to you; only in cases where there was a mistake in number?

A. Yes, sir. [705—616]

[**Testimony of John Benson, for Libelant.**]

JOHN BENSON, called for the libelant, sworn.

Mr. FRANK.—Q. Mr. Benson, you were working in the United Engineering Works in September, 1909? A. Yes, sir.

Q. In what capacity? A. Machinist.

Q. At the time you were so working did you keep any record of your time you worked on each job?

A. Yes, sir.

Q. I show you a card dated September 12, being part of Adamson Exhibit No. 3, and ask you whether or not that is a card made out by you in your own handwriting.

Mr. McCLANAHAN.—I object to the question on the ground that the card has already been identified by Adamson and forms a part of his Exhibit No. 3; on the ground that it is cumulative, and on the ground that it is encumbering the record by the further examination of the card.

A. That is my writing; yes.

Mr. FRANK.—Q. How did you get the job numbers?

A. From the job itself; it was painted, I think, usually. If from a drawing, the job number was painted on the drawing; but the work itself, it is usually on that, painted on it, before it is given out.

Q. Talk a little louder so that we can all hear you. How did you keep track of the number of

(Testimony of John Benson.)

hours worked on a particular job?

A. As soon as I got the job I looked at the clock and make a note of it, and when the job was finished of course I make another note, and that is the time it took to do the job.

Q. There is nothing very unusual about this, Mr. Benson. You needn't be at all excited about it.

A. I have a slight sore throat.

Q. But you seem to be nervous.

A. Perhaps I am. That is the first [706—617] time I ever was in court.

Q. There is no necessity for getting nervous; this is a plain every day affair, finding out the truth of this matter. You say you made a note of the time when you commenced. How would you make the note, whether mentally or write it down on something? A. Write it down on a piece of paper.

Q. And you kept a record in that way?

A. Yes, sir.

Q. And when the job was done, or rather when did you make your entry on the card?

A. On the time-card?

Q. Yes. A. At night.

Q. At night?

A. Before going home; after working on it.

Q. Previous to that I understand you made your record on a piece of paper?

A. Yes, and copied it on to the time-card.

Q. At night-time? A. Yes, sir.

Q. I understand this card of September 12th is your card made out by you in your handwriting at

(Testimony of John Benson.)

that time? A. Yes, that is my card and writing.

Q. Made out in the manner in which you have testified? A. Yes, sir.

Q. Now, I show you another card of September 13, being a part of Adamson Exhibit No. 3, and ask you whether or not that is a card made out by you.

Mr. McCLANAHAN.—The same objection.

A. It was made out by me and my writing.

Mr. FRANK.—Q. In the same manner in which you have testified to? A. Yes, sir.

Q. And known to be correct at the time you passed it in? A. Yes.

Q. I now show you a card of September 17th, being a part of Adamson Exhibit No. 3, and ask you if that is a card made out [707—618] by you in the manner in which you have already testified, and known by you to be correct at the time you passed it in?

Mr. McCLANAHAN.—The same objection.

A. My card and my writing.

Mr. FRANK.—Q. There is a change of number in red ink 5029, do you know how that is done?

A. That would be done by the timekeeper; there was a mistake in the number and he has altered it.

Q. What is the practice of the timekeeper when he makes a change of that sort, with respect to coming to you and consulting with you about it?

A. He would bring my time-card and point out the number and ask me what it was, and tell me if it was wrong; he would say, it would be so and so, and he would alter it.

(Testimony of John Benson.)

Q. Would you make any examination with him into the question to see whether it was right or wrong?

A. Not if he would say it was wrong; if I had got the number wrong of course he knows more about it than I do, so he would put it down. I don't know anything about it only what he told me or what I saw marked on the drawing or on the job itself.

Mr. FRANK.—All these cards that are being testified to are considered reoffered in evidence, Mr. McClanahan, or else I will have to reoffer them, because you had an objection to the former offer; if you wish to repeat it I prefer you repeat it to these; otherwise I will consider them reoffered.

Mr. McCLANAHAN.—I object to the reoffer, but of course my objection cannot be passed on now. Therefore I make the same objection to each reoffer of this character on the ground that they are incompetent, immaterial, and irrelevant, hearsay, self-serving, and not binding on the respondent. [708—619]

Mr. FRANK.—It will be considered that all of these cards that I have taken testimony with respect to in this matter will be offered subject to that objection.

Mr. McCLANAHAN.—Subject to that objection and subject to my objection that you reoffer them.

Mr. FRANK.—Oh, yes, I understand.

Q. I now show you the card of September 16, being a part of Adamson Exhibit No. 3, and ask you if that is a card made out by you at that time.

(Testimony of John Benson.)

Mr. McCLANAHAN.—The same objection.

A. That is my handwriting and my card.

Mr. FRANK.—Q. Passed in to the office as correct at that time? A. Yes, sir.

Q. I now show you the card of September 21, being a part of Adamson Exhibit No. 3, and ask you if that is your card made out by you in the manner in which you have already testified, and passed in to the office as correct at that time.

Mr. McCLANAHAN.—The same objection.

A. That is my card, made out by myself.

Mr. McCLANAHAN.—It is understood that the objection offered to the cards when they were offered by Adamson applies to each offer now, and I make the further objection that the cards have already been identified by Adamson and form a part of his exhibits; on the ground that they are cumulative and on the ground that it is encumbering the record by the further examination of the cards.

Mr. FRANK.—Yes. Take the witness.

Cross-examination. [709—620]

Mr. McCLANAHAN.—Q. I show you the cards of September 17 and September 21. Can you see them, Mr. Benson? A. Yes, sir.

Q. On the former you will note some check marks at the right. A. Yes.

Q. On the latter there are no check marks, as you see. A. I note that.

Mr. FRANK.—Yes, there are.

Mr. McCLANAHAN.—Where are they?

Mr. FRANK.—They are the check marks.

(Testimony of John Benson.)

Mr. McCLANAHAN.—Q. Mr. Benson, do you recognize any check marks on the card of September 21? A. Oh, yes.

Q. Where are they? A. There—no, sir.

Q. Can you explain why check marks are found on the card of September 17 and not on the card of September 21? A. No, I cannot explain it.

Q. Do you know who put those there?

A. The assistant foreman I should think; that is his business.

Q. That is his business. You don't know why he did not check the one of September 21?

A. No; I have not the slightest idea.

Q. When you finished with these cards in the evening you put them in a box, did you? A. Yes.

Q. And they pass in to the office?

A. Pass in to the office.

(A recess was here taken until 2 P. M. [710—621])

AFTERNOON SESSION.

[Testimony of Donald Stimmel, for Libelant.]

DONALD STIMMEL, called for the libelant, sworn.

Mr. FRANK.—Q. Stimmel, were you working for the United Engineering Works in August and September, 1909? A. Yes, sir.

Q. Did you keep a record of your time that you worked on each job? A. Yes, sir.

Q. Did you put it down upon time-cards?

A. Yes, sir.

Q. I show you a card of August 29th, being part

(Testimony of Donald Stimmel.)

of "Adamson Exhibit No. 8," and ask you if that is a time-card made out by you at that time.

Mr. McCLANAHAN.—I object to the question upon the ground that the card has already been identified and verified and put into evidence under "Adamson Exhibit No. 4," and on the ground that it is cumulative and encumbering the record.

A. Yes, sir.

Mr. FRANK.—Q. Is that in your own handwriting? A. Yes, sir.

Q. How did you get your job numbers?

A. Each piece of machinery that comes in from the outside is marked by the foreman at the clock entrance; he puts it on each piece of machinery.

Q. How did you keep your hours worked?

A. I had an old time-card, and when I began the job on a piece—each piece is numbered—I put the hour I started in on, and when I finished, I put it on the old time-card. Then I figured that time when I begin and when I ended and put it on my regular time-card.

Q. On this one here I notice that there is a change in the hours worked from 5 hours to 4 hours on one of the numbers. [711—622] How would that be done?

A. It must have been a mistake in figuring out my time on the old card.

Q. What do you mean by figuring out your time?

A. Adding up from hour to hour.

Q. How did you put down your time on this other memorandum that you had? Would you put it

(Testimony of Donald Stimmel.)

down so many hours, or would you put down the time— A. The time I started.

Q. The time you started and the time you ended?

A. Yes, sir, and then figured from hour to hour. From the time I started until the hour I finished.

Q. When would you make that calculation?

A. When would I make it?

Q. Yes, would you make it when you finished or in the evening when you entered up your card?

A. When I finished that job.

Q. What is there about that? Who would call your attention to that mistake?

A. The timekeeper would call my attention. He would call the foreman's attention and the foreman would call me to him, and then I would have to find out the regular time.

Q. Find out where the mistake was?

A. Find out where the mistake was, yes.

Q. I now show you a card of August 30th, part of "Adamson Exhibit No. 8" and ask you if that is in your handwriting, made out at that time, and whether you knew it to be correct at the time you handed it in.

Mr. McCLANAHAN.—The same objection.

A. Yes, sir, it is my writing.

Mr. FRANK.—Q. I now show you a card of August 31st, being part of the same exhibit, and ask you if that is your *card* [712—623] *out* at that time, and whether you knew it to be correct at the that that you handed it in.

Mr. McCLANAHAN.—The same objection.

(Testimony of Donald Stimmel.)

A. Yes, sir.

Mr. FRANK.—Q. I notice that there is a change there of hours from 10 to 12; how was that change made?

A. I guess my figuring out my time wrong.

Q. I know, but how was the change made?

A. The change was made through the timekeeper by the foreman.

Q. Did he call your attention to it?

A. Yes, sir.

Q. I now show you a card of September 1st, part of "Adamson Exhibit 8" and ask you whether that is your own handwriting, made out by you at the time and know to be correct at the time that you handed it in.

Mr. McCLANAHAN.—The same objection.

A. Yes, sir.

Mr. FRANK.—Q. On that card I notice on the first hour's work, two numbers, one 8 and one 9, but the "9" is not added in. Now can you offer any explanation of that?

A. Yes. I forgot to rub out that "9" on that card, and the timekeeper told me about that—told the foreman, and the foreman notified me.

Q. It is not added in?

A. No, sir, it should have been rubbed out because 8 and 3 is 11. It could not be 9 and 3.

Q. I show you a card of September 2d, part of "Adamson Exhibit No. 8," and ask you if that is in your handwriting, made out at that time, and whether you knew it to be correct at the time you

(Testimony of Donald Stimmel.)

handed it in.

Mr. McCLANAHAN.—The same objection.

A. Yes, sir.

Mr. FRANK.—Q. I show you a card of September 3d, and [713—624] ask you if that is in your handwriting, made out at that time, and whether you knew it to be correct at the time you handed it in.

Mr. McCLANAHAN.—The same objection.

A. Yes, sir.

Mr. FRANK.—Q. I show you a card of September 8th, and ask you if that is in your handwriting, made out at that time, and whether you knew it to be correct at the time you handed it in.

Mr. McCLANAHAN.—The same objection.

A. Yes, sir.

Mr. FRANK.—Q. I show you a card of September 9th, and ask you if that is in your handwriting, made out at that time, and whether you knew it to be correct at the time you handed it in.

Mr. McCLANAHAN.—The same objection.

A. Yes, sir.

Mr. FRANK.—Q. I show you a card of September 11th, and ask you if that is in your handwriting, made out at that time, and whether you knew it to be correct at the time you handed it in.

Mr. McCLANAHAN.—The same objection.

A. Yes, sir.

Mr. FRANK.—Q. I show you a card of September 12th, and ask you if that is in your handwriting, made out at that time and whether you knew it to

(Testimony of Donald Stimmel.)

be correct at the time you handed it in.

Mr. McCLANAHAN.—The same objection.

A. Yes, sir.

Mr. FRANK.—Q. I show you a card of September 13th and ask you if that is in your handwriting, made out at that time, [714—625] and whether you knew it to be correct at the time that you handed it in.

Mr. McCLANAHAN.—The same objection.

A. Yes, sir.

Mr. FRANK.—Q. On September 13th at 8:30 means what? Look at that (handing).

A. That means 8 and a half hours.

Cross-examination.

Mr. McCLANAHAN.—Q. I understand that you had extra cards that you made your first entry on?

A. Yes, sir.

Q. Those are what you called in your direct examination old cards? A. Yes, sir.

Q. What did you put on those old cards?

A. The time, the job number, of the job we worked on, the time we begin it and the time we finish it. Then we figure out the time from when we begin and finish, and put on our regular card that we turn in to the timekeeper.

Q. When did you do that figuring?

A. I was working on the night shift.

Q. When would you do the figuring? I understand you to say you put on the old card the time you commenced and the time you finished on a particular job; then you said you did the figuring and put

(Testimony of Donald Stimmel.)

the result on the regular time-card that you turned in. When would you do the figuring?

A. When I got done with the job.

Q. Not wait until the night? A. No, sir.

Q. So that you were using two sets of cards during the day, an old card and this card?

A. A piece of paper that I would call a card.

Q. A piece of paper was it? A. Yes, sir.

Q. Not a card like this (pointing)?

A. A piece of paper. Sometimes a card like that and sometimes [715—626] a piece of paper.

Q. What was the object of keeping track of this time on a piece of paper?

A. Because we have so many different numbers sometimes in the shop. A lot of work comes in and sometimes we may have 6 or 8 different numbers on the card, and sometimes we would not.

Q. How would you determine the time?

A. Determine the time?

Q. Determine the time.

A. I had a watch, and I figured it out.

Q. You had a watch, did you? A. Yes, sir.

Q. And you would look at your watch?

A. Yes, sir.

Q. And after you had made your computation you would put it on these regular time-cards and turn them in to the office? A. Yes, sir.

Q. Then I suppose if there was any mistake, the next day the timekeeper would call your attention to it?

A. He calls the foreman's attention to it and the

(Testimony of Donald Stimmel.)

foreman calls us.

Q. Would you have your talk with the foreman about a mistake or with the timekeeper?

A. With the foreman.

Q. You would not talk with the timekeeper?

A. The three of us would be together talking.

Q. Now, I call your attention to your card of August the 29th, where there was a change in your time. The change is in ink, is it not?

A. Yes, sir.

Q. That ink change is made by the timekeeper?

A. Yes, sir.

Q. Will you explain how the timekeeper knew to make the change? A. How he knew?

Q. Yes. A. 8 and 5 would not be 12.

Q. No. 8 and 5 are 13, and that is what you had originally on the card, 8 and 5? A. Yes, sir.

[716—627]

Q. But the timekeeper changed your 5 to 4. How did he know you had made a mistake in one hour in working on that job?

A. He must have gone to the foreman, and the foreman asked me to rectify it.

Q. How could you have made a mistake?

A. Figuring out my card wrong, my old card; you count from hour to hour and sometimes you might make a mistake.

Q. This card goes in to the office with the 5 hours on there, does it not? A. Yes, sir.

Q. How does the timekeeper know that that "5" ought to be "4," so as to lead him to come to the

(Testimony of Donald Stimmel.)

foreman and say that you have made a mistake?

A. By the other card. Maybe I punched out just 12 hours and I figured an hour extra by my regular time-card.

Q. You mean the clock card?

A. Yes, sir, the clock card.

Q. That is your explanation, is it, of how the time-keeper learns that error? A. Yes, sir.

Q. I hand you your card of August 31st where there is a change from 11½ to 12 hours. The change is in the handwriting of the timekeeper, is it not?

A. Yes, sir.

Q. Do you make the same explanation of that as you did as to the card of August 29th?

A. Yes, sir.

Q. That is, that your clock card shows 12 hours, whereas your time shown on the card put down by you was only 11½ hours. A. Yes, sir, 11½.

Q. That is correct, is it? A. Yes, sir.

Q. Does the clock card show the time that you work on a particular job? A. No, sir.

Q. Does not this card purport to show the time that you worked [717—628] on that particular job?

A. Yes, sir.

Q. And that time was 11½ hours? A. Yes, sir.

Q. Then how does the clock card assist the time-keeper in changing that to 12 hours?

A. What is that again?

Q. Read the question, Mr. Reporter.

(The Reporter reads the question.)

A. I must have figured it out wrong.

(Testimony of Donald Stimmel.)

Q. That is all the explanation you can make of it?

A. Yes, sir.

Q. I show you your card of September 9th, where there is a change in your time from 4 hours to 3½. Is that change made in the handwriting of the timekeeper? A. Yes, sir.

Q. Is your explanation of that the same as for the others? A. Yes, sir.

Q. That is, it was the clock card—your clock card?

A. My card, yes.

Q. Your clock card that enabled the timekeeper to discover that instead of working 4 hours you worked 3½ hours on that job number.

A. Yes, sir.

Mr. FRANK.—He did not say that.

Mr. McCLANAHAN.—I beg pardon. The record will show that.

Mr. FRANK.—What he said was that the clock card showed that he punched more or less hours than his card showed. He said particularly it would not show that he had worked any particular time on any particular number.

Mr. McCLANAHAN.—Mr. Bennett, please read me the question and the answer of the witness.

(The Reporter reads the question and answer.)

Mr. FRANK.—I see where you and I differ. You are assuming that he said something before that he did not say. [718—629]

Mr. McCLANAHAN.—The record will bear me out.

Mr. FRANK.—That may be your cross-examina-

(Testimony of Donald Stimmel.)

tion, but it is not a decent way of cross-examining.

Mr. McCLANAHAN.—Q. Did I take advantage of you in any way, my boy, then?

Mr. FRANK.—He does not know whether you did or not.

Mr. McCLANAHAN.—Let him answer. I do not propose to have it charged to me that I am not conducting my cross-examination decently. I resent that, Mr. Frank.

Mr. FRANK.—I cannot help that.

Mr. McCLANAHAN.—Q. Did I take advantage of you in any way, my boy?

A. I could not say either way.

Mr. FRANK.—You are not asked to say either way.

Mr. McCLANAHAN.—Read the question to the witness again and we will see whether any advantage is taken. (The Reporter reads the question.) Do you understand the question? A. Yes, sir.

Q. Is that not correct? A. Yes, sir.

Redirect Examination.

Mr. FRANK.—Q. Mr. Stimmel, you have been very particularly asked “is that not correct?” Now, let me ask you this: On your cross-examination you were asked how it was that the timekeeper could tell that you made a mistake in your number of hours by the clock card, were you not? A. Yes, sir.

Q. And how is it that he can tell? What did you say? A. How he can tell, did you say?

Q. That you made a mistake in your number of hours. For instance, like on August 29th, by com-

(Testimony of Donald Stimmel.)

paring it with the clock card.

A. I put down how many hours on my time-card and when I punched out it would not show that much on the time-card. [719—630]

Q. That is the idea? A. Yes, sir.

Q. By means of the clock card do you want to be understood as saying that he would know on which particular job you put how many hours, or simply that the total number of hours were too many or too little for the time punched out on the clock card, which is it?

A. Too little punched out on the time clock.

Q. On the clock card?

A. On the clock card, yes.

Q. Get my question in mind so that you may know what we are talking about: did you mean to be understood as saying which you did say when the question was put that way to you, that the clock card enabled the timekeeper to know on which of these three numbers, referring to the card of September 9th, which of these three numbers you had put on too much or too little time. Is that what you meant? Read the question, Mr. Reporter, so that he will understand it.

(The Reporter reads the question.)

A. They must have figured on that one job here of my figuring and my time.

Q. Answer the question. If you do not understand the question, say so. What I want to get at is whether or not you meant to be understood as saying that the clock card which showed the total number of hours worked told the timekeeper on which one of

(Testimony of Donald Stimmel.)

those numbers you had overcharged.

A. No, sir, it did not tell the timekeeper.

Q. That is the question that was asked you by Mr. McClanahan awhile ago when you said yes.

A. You do not put the clock on every job number.

Q. Then you did not understand what you were talking about?

A. You punch it three times a day, that is all.

[720—631]

Q. I understood you further to say that when he came there, and the clock card showed there was some error, he talked it over with you and the foreman, is that right?

A. Yes, sir.

Q. And the three of you rectified it according to the fact, is that right?

A. Yes, sir.

Recross-examination.

Mr. McCLANAHAN.—Q. Does the clock card show the hour that you commenced work, or the hour that you entered the shop?

A. The hour that you enter the shop.

Mr. FRANK.—Q. You go right to work, don't you?

A. No, sir; we wait until the whistle blows—half-past 7.

[**Testimony of John B. Pennycott, for Libellant.**]

JOHN B. PENNYCOTT called for the libellant, sworn.

Mr. FRANK.—Q. Mr. Pennycott, you were working for the United Engineering Works in August and September, 1909?

A. Yes, sir.

Q. In what capacity?

(Testimony of John B. Pennycott.)

A. Machinist, lathe-hand.

Q. When working in that capacity, did you keep track of your time on each job? A. I did, sir.

Q. How did you get your job numbers?

A. The job numbers were always written on the job, and if I worked from a drawing, it was on the drawing.

Q. How did you keep track of your time?

A. By the clock.

Q. That is not a complete answer to my question, Mr. Pennycott.

A. If I started a job at 9 o'clock, and ended at 12 o'clock, I put down "3 hours" on my lathe. I have a special place in my lathe where I keep the time of jobs, and in the evening I add up my time, and put it down on the time-card.

Q. Did you note the time on your lathe when you began? [721—632] A. Yes, sir; I did.

Q. And the time when you ended? A. Yes, sir.

Q. I show you a card under date of August 30th, part of "Adamson Exhibit No. 47," and ask you if that is a card kept by you at that time.

Mr. McCLANAHAN.—I object to the question upon the ground that the card has already been identified and verified and put into evidence under "Adamson Exhibit No. 47," and on the ground that this is cumulative and encumbering the record.

A. This is my handwriting.

Mr. FRANK.—Q. Was that card kept in the manner you have testified to? A. Yes, sir.

Q. And known to be correct at the time that you

(Testimony of John B. Pennycott.)

handed it in? A. Yes, sir.

Q. Now, I show you a card of August 31st, part of "Adamson Exhibit No. 47," and ask you if that is a card kept by you at that time.

A. That is my card. I did not make that ink change.

Q. You did not make the ink change?

A. No, sir.

Mr. McCLANAHAN.—We make the same objection.

Mr. FRANK.—Q. Look at that and see whether or not that is a change, or simply putting in a different form what you had in there. What is underneath that ink? It was 10:40, was it not?

A. That I don't remember now, if it was 10:40.

Q. Can you make it out? A. He has here, 10½.

Q. At any rate you had something there that that is written over? A. Yes, sir.

Q. The color would show that there was something there, a fraction of an hour there.

A. Yes, sir; if I had 10:40 there I had more than what I was supposed to put down. He changed it to 10½. [722—633]

Q. When changes of that sort were made, how would they be made?

A. In the office, by the timekeeper. We have a time clock, and when we go out we punch it. I probably thought it was 10:40. I worked 10 hours and 40 minutes, and the clock registered 10 hours and a half.

Q. Would he consult you about changes of that

(Testimony of John B. Pennycott.)

sort? A. Yes, sir.

Q. And between you you verified it. When he consulted you, what did you do?

A. If he was right, I would say it was right.

Q. I understand you to say that is all in your handwriting except the ink changes. A. Yes, sir.

Q. I now show you a card under date of September 1st, part of the same exhibit, and ask you if that is a card kept by you at that time, in the way you have already testified, and passed it in to the office as correct.

Mr. McCLANAHAN.—The same objection.

A. Yes, sir.

Mr. FRANK.—Q. Is that in your handwriting?

A. Yes, sir; that is my handwriting.

Q. I now show you a card of September 2d, the same exhibit, and ask you if that is a card kept by you at that time in your own handwriting, in the way you have already testified, and passed it in to the office as correct.

Mr. McCLANAHAN.—The same objection.

A. That is correct.

Mr. FRANK.—Q. I pass you a card of September 4th, the same exhibit, and ask you if that is a card kept by you at that time in your own handwriting, in the way you have already testified, and passed it in to the office as correct.

Mr. McCLANAHAN.—We make the same objection. [723—634]

A. That is correct.

Mr. FRANK.—Q. I pass you a card of September

(Testimony of John B. Pennycott.)

5th, the same exhibit, and ask you if that is a card kept by you at that time, in your own handwriting, in the way you have already testified, and passed it in to the office as correct.

Mr. McCLANAHAN.—The same objection.

A. Yes, sir; that is correct.

Mr. FRANK.—Q. I pass you a card of September 6th, the same exhibit, and ask you if that is a card kept by you at that time, in your own handwriting, in the way you have already testified, and passed it in to the office as correct.

Mr. McCLANAHAN.—The same objection.

A. Yes, sir; that is my card.

Mr. FRANK.—Q. I pass you a card of September 7th, the same exhibit, and ask you if that is a card kept by you at that time, in your own handwriting, in the way you have already testified, and passed it in to the office as correct.

Mr. McCLANAHAN.—The same objection.

A. Yes, sir, that is correct. That is my card.

Mr. FRANK.—Q. When you say it is your card do you mean it was kept and entered up in the same way as you have testified to? A. Yes, sir.

Q. I show you a card of September 9th, the same exhibit, and ask you if that is a card kept by you at that time, in your own handwriting, in the way you have already testified, and passed it in to the office as correct?

Mr. McCLANAHAN.—The same objection.

A. Yes, sir, that is correct.

Mr. FRANK.—Q. I show you a card of September

(Testimony of John B. Pennycott.)

10th, the same exhibit, and ask you if that is a card kept by you at that [724—635] time, in your own handwriting, in the way you have already testified, and passed it in to the office as correct.

Mr. McCLANAHAN.—The same objection.

A. Yes, sir.

Mr. FRANK.—Q. I show you a card of September 11th, the same exhibit, and ask you if that is a card kept by you at that time, in your own handwriting, in the way you have already testified, and passed it in to the office as correct.

Mr. McCLANAHAN.—The same objection.

A. Yes, sir, that is my card.

Mr. FRANK.—Q. I now pass you a card dated September 12th, "Adamson Exhibit No. 46," and ask you if that is a card kept by you at that time, in your own handwriting, in the way you have already testified, and passed it in to the office as correct.

Mr. McCLANAHAN.—The same objection.

A. Yes, sir, that is my card.

Mr. FRANK.—Q. I now pass you a card of September 13th, "Adamson Exhibit No. 46," and ask you if that is a card kept by you at that time, in your own handwriting, in the way you have already testified, and passed it in to the office as correct.

Mr. McCLANAHAN.—The same objection.

A. Yes, sir, that is my card.

Mr. FRANK.—Q. I now pass you a card of September 14th, the same exhibit, and ask you if that is a card kept by you at that time, in your own handwriting, in the way you have already testified, and

(Testimony of John B. Pennycott.)

passed it in to the office as correct.

Mr. McCLANAHAN.—The same objection.

A. That is my card. [725—636]

Mr. FRANK.—Q. I now pass you a card of September 15th, the same exhibit, and ask you if that is a card kept by you at that time, in your own handwriting, in the way you have already testified, and passed it in to the office as correct.

Mr. McCLANAHAN.—The same objection.

A. That is my card, but I did not make those ink changes there. I cannot make out what “11¼” is there.

Mr. FRANK.—Q. You cannot make out what?

A. What “11¼” is or “11½” is.

Q. That is your overtime, is it not? You get time and a half for overtime? A. Yes, sir, correct.

Q. “5325”; that was an ink change also?

A. That was a job number for turning pintles, 5325. I thought it was the old number. I put it down and the timekeeper had a different number for that and he changed it to 5325.

Q. After consulting you? A. Yes, sir.

Q. That is turning bushings and pintles for the rudder? A. Yes, sir.

Q. What is this scroll of some sort at the top here under “hours worked”; is that something that was done by you? A. Yes, sir.

Q. “11½”; is that in your handwriting?

A. 11½ is in my handwriting.

Q. I hand you a card of September 16th, the same exhibit, and ask you if that is a card kept by you at

(Testimony of John B. Pennycott.)

that time in your own handwriting, in the way you have already testified, and passed it in to the office as correct.

Mr. McCLANAHAN.—The same objection.

A. That is correct. [726—637]

Mr. FRANK.—Q. I hand you a card of September 17th, the same exhibit, and ask you if that is a card kept by you at that time, in your own handwriting, in the way you have already testified, and passed it in to the office as correct.

Mr. McCLANAHAN.—The same objection.

A. That is my card.

Mr. FRANK.—Q. I hand you a card of September 18th, "Adamson Exhibit No. 46," and ask you if that is a card kept by you at that time in your own handwriting, in the way you have already testified, and passed it in to the office as correct.

Mr. McCLANAHAN.—The same objection.

A. That is my card.

Mr. FRANK.—Q. I hand you a card of September 22d, the same exhibit, and ask you if that is a card kept by you at that time, in your own handwriting, in the way you have already testified, and passed it in to the office as correct.

Mr. McCLANAHAN.—The same objection.

A. That is my card, but there is a change there in the number.

Mr. FRANK.—Q. How would that change be made?

A. By the timekeeper. I made a mistake in the number.

(Testimony of John B. Pennycott.)

Q. Did he point it out to you, and consult with you about it? A. Yes, sir.

Q. On the card of September 18th, I see there is a change of from 3 to 4 on a number. Is that change made in your own handwriting?

A. Yes, sir, that is mine.

Q. It was done before you passed the card in?

A. Yes, sir.

Cross-examination.

Mr. McCLANAHAN.—Q. You kept your time on the lathe, did you, Mr. Pennycott?

A. I did. I marked it down on the lathe. [727—638]

Q. The time of commencing, and the time of quitting? A. Yes, sir.

Q. Then at night you made your calculations as to how much time you worked, and you put it on the card? A. Yes, sir.

Q. On your card of September 22d, there is a change in the job number from 5401 to 5398. How did that happen?

A. I don't remember, but whenever there was any mistake in the number the timekeeper always came to me, and asked me about it, and he made the change.

Q. Did he make the change referring to hours?

A. Yes, sir, he made that change there. That is the "Hilonian" number.

Q. You would take the job number from the piece itself where it was painted on, or else where it was a drawing you would take it from the drawing?

A. Yes, sir.

(Testimony of John B. Pennycott.)

Q. So that 5401 was the job number on the piece or on the drawing?

A. I don't remember whether that number was on the piece at the time.

Q. You would not have any other means of putting a number on the card except from the piece, or the drawing, would you?

A. There are jobs that I do that the bench hands have that the numbers are erased, and when I take the job they give me the number of the job.

Q. So it may be that this was a job number that was handed to you by word of mouth from a bench hand? A. Probably.

Q. Where would the bench hand get it?

A. I don't know.

Q. Do you know how the timekeeper would know that there was [728—639] a mistake in the job number? A. No, sir, I don't know.

Q. When this work was going on, you knew the "Hilonian" job number, didn't you? A. I did.

Q. Do you know what it is now? A. No, sir.

Q. Would the examination of these cards refresh your memory at all as to what it was?

A. I don't know; it has been so long ago and I have had so many jobs.

Q. I hand you the card of August 31st, with two numbers, 5336 and 5295 on it. Do you remember which was the "Hilonian" number? A. No, sir.

Q. How did the timekeeper know how to check up your time? A. That I don't know.

Q. You say there were cases where he convinced

(Testimony of John B. Pennycott.)

you that you had made a mistake?

A. He knew that, but I don't know how. He has a record of his own in the office.

Q. Of the time you worked on a particular job?

A. Yes, sir; after he takes them from the card he has a record of the job.

Q. I am talking of the time you worked on a particular job. He has not any record in the office except your time-cards?

A. That is all. That mistake is there are several job numbers on the "Hilonian." I believe fourteen something was an extra job, and I put it on 5401.

Q. I am not referring to that card now. I am referring to your time, how he knew to correct your time. I am looking now at the card of August 31st, where he has corrected your time.

A. By the time-clock.

Q. By the time-clock? A. Yes, sir.

Q. Does the time-clock show him the time that you work on a particular job number?

A. No, sir, it shows the time that I leave. [729—640]

Q. And the time you come?

A. The time I come.

Q. The time you enter the factory, the works?

A. Yes, sir.

Q. Now, Mr. Pennycott, can you tell me why on this card of August 31st, on which you have charged 5336 with 10 hours and 40 minutes, and on which the timekeeper has changed that to 10 hours and a half, why he made that deduction of 10 minutes from that

(Testimony of John B. Pennycott.)
number, and not from 5295, which appears on the same card?

A. Well, he probably came up to me, I don't remember, but he probably came up to me in the morning, as he always does when there is a mistake, and I looked over my time in my lathe and found it was 10 minutes too much on the 10 $\frac{1}{2}$.

Q. I see. That is, you are liable to make mistakes in computing your time? A. Yes, sir.

Q. And this card here of August 31st is an illustration of it, or it may be an illustration?

A. It may be.

Redirect Examination.

Mr. FRANK.—Q. On this card of September 22d, on which the job number is changed from 5401 to 5393, what is the article worked on there?

A. Fitting reverse shaft for steamer "Hilonian."

Q. That would indicate to the timekeeper and to you, too, would it not, what job number should be on it? A. It should.

Q. You were asked if you knew the "Hilonian" job numbers at the time you were working on it, and you said yes. How did it happen that you happened to know the "Hilonian" job numbers at that time?

A. That I knew them.

Q. Yes.

A. Because they were given to me on the work that was handed to me, and the drawings.

Q. I understand that, but the question purported to ask you whether you knew them, and had them in mind as numbers belonging [730—641] to the

(Testimony of John B. Pennycott.)

“Hilonian” independent of the piece on which it was marked, or the drawing. Did you mean to say you knew the job numbers independent of the piece on which it was marked, or the drawing on which it was marked? A. I do not understand you.

Q. The question, as I understood it, was intended to elicit from you as to whether or not you carried in your mind the job numbers that belonged to the “Hilonian”?

A. No, sir, not always. I could not keep them in my mind.

Q. When you said you knew the job numbers at that time, what did you mean?

A. That I knew when I was putting them down, from the numbers that were on the work.

[Testimony of John Mello, for Libelant.]

JOHN MELLO, called for the libelant, sworn.

Mr. FRANK.—Q. Were you at work in the United Engineering Works in August and September, 1909? A. Yes, sir.

Q. As a machinist? A. Yes, sir.

Q. As such did you keep track of your time while you were working there? A. Yes, sir.

Q. How did you keep track of your time?

A. Well, when there was a long job I generally kept it in memory. When it was a short job I generally marked it down on my machine.

Q. That is, did you note the time when you began?

A. Yes, sir.

Q. And when you ended? A. Yes, sir.

Q. By a long job what do you mean?

(Testimony of John Mello.)

A. When I knew it was a job that would take 3 or 4 days I would simply work all day and mark what time it was at night.

Q. You knew you were working on no other job during the day? A. Yes, sir.

Q. When there were several jobs during the day you marked each job down on your lathe?

A. Yes, sir. [731—642]

Q. I will show you a card of September 13th, part of Adamson Exhibit No. 48, and ask you if that is in your own handwriting, and kept by you in the manner you have just suggested?

Mr. McCLANAHAN.—I object to the question on the ground that the card has already been identified, and verified, and put into evidence under Adamson Exhibit No. 48, and on the ground that this is cumulative and incumbering the record.

A. That is my handwriting; that is my card.

Mr. FRANK.—Q. Kept in the manner in which you have testified? A. Yes, sir.

Q. I will show you a card of September 19th, part of Adamson Exhibit No. 48, and ask you if that is in your own handwriting, and kept by you in the manner you have just suggested.

Mr. McCLANAHAN.—The same objection.

A. Yes, sir, that is my card.

Mr. FRANK.—Q. I will show you a card of September 20th, part of Adamson Exhibit No. 48, and ask you if that is in your own handwriting, and kept by you in the manner you have just suggested?

Mr. McCLANAHAN.—The same objection.

(Testimony of John Mello.)

A. Yes, sir.

Mr. FRANK.—Q. I will show you a card of September 21st, part of Adamson Exhibit No. 48, and ask you if that is in your own handwriting, and kept by you in the manner you have just suggested.

Mr. McCLANAHAN.—The same objection.

A. Yes, sir.

Mr. FRANK.—Q. I will show you a card of September 26th, part of Adamson Exhibit No. 48, and ask you if that is in your [732—643] own handwriting, and kept by you in the manner you have just suggested?

Mr. McCLANAHAN.—The same objection.

A. Yes, sir.

Mr. FRANK.—Q. I will show you a card of August 28th, part of Adamson Exhibit No. 49, and ask you if that is in your own handwriting, and kept by you in the manner you have just suggested.

Mr. McCLANAHAN.—The same objection.

A. Yes, sir.

Mr. FRANK.—Q. I will show you a card of August 27th, part of Adamson Exhibit No. 49, and ask you if that is in your own handwriting, and kept by you in the manner you have just suggested.

Mr. McCLANAHAN.—The same objection.

A. Yes, sir, that is mine.

Mr. FRANK.—Q. I will show you a card of August 30th, part of Adamson Exhibit No. 50, and ask you if that is in your own handwriting, and kept by you in the manner you have just suggested.

Mr. McCLANAHAN.—The same objection.

(Testimony of John Mello.)

A. Yes, sir, that is mine.

Mr. FRANK.—Q. I will show you a card of August 31st, part of Adamson Exhibit No. 50, and ask you if that is in your own handwriting, and kept by you in the manner you have just suggested.

Mr. McCLANAHAN.—The same objection.

A. Yes, sir, that is mine.

Mr. FRANK.—Q. I will show you a card of September 2d, part [733—644] of Adamson Exhibit No. 50, and ask you if that is in your own handwriting, and kept by you in the manner you have just suggested.

Mr. McCLANAHAN.—The same objection.

A. Yes, sir, that is mine.

Mr. FRANK.—Q. I will show you a card of September 10th, part of Adamson Exhibit No. 50, and ask you if that is in your own handwriting, and kept by you in the manner you have just suggested.

Mr. McCLANAHAN.—The same objection.

A. Yes, sir.

Mr. FRANK.—Q. I will show you a card of September 4th, part of Adamson Exhibit No. 50, and ask you if that is in your own handwriting, and kept by you in the manner you have just suggested.

Mr. McCLANAHAN.—The same objection.

A. Yes, sir, that is mine.

Mr. FRANK.—Q. I will show you a card of September 5th, part of Adamson Exhibit No. 50, and ask you if that is in your own handwriting, and kept by you in the manner you have just suggested.

Mr. McCLANAHAN.—The same objection.

(Testimony of John Mello.)

A. That is mine.

Mr. FRANK.—Q. I will show you a card of September 6th, part of Adamson Exhibit No. 50, and ask you if that is in your own handwriting, and kept by you in the manner you have just suggested.

Mr. McCLANAHAN.—The same objection.

A. Yes, sir. [734—645]

Mr. FRANK.—Q. I will show you a card of September 8th, part of Adamson Exhibit No. 50, and ask you if that is in your own handwriting, and kept by you in the manner you have just suggested.

Mr. McCLANAHAN.—The same objection.

A. Yes, sir.

Mr. FRANK.—Q. I will show you a card of September 9th, part of Adamson Exhibit No. 50, and ask you if that is in your own handwriting, and kept by you in the manner you have just suggested.

Mr. McCLANAHAN.—The same objection.

A. Yes, sir, that is mine.

Mr. FRANK.—Q. I will show you a card of September 10th, part of Adamson Exhibit No. 50, and ask you if that is in your own handwriting, and kept by you in the manner you have just suggested.

Mr. McCLANAHAN.—The same objection.

A. Yes, sir.

Mr. FRANK.—Q. I will show you a card of September 11th, part of Adamson Exhibit No. 50, and ask you if that is in your own handwriting, and kept by you in the manner you have just suggested.

Mr. McCLANAHAN.—The same objection.

A. Yes, sir. [735—646]

(Testimony of John Mello.)

Cross-examination.

Mr. McCLANAHAN.—Q. No one checked your cards over, did they, Mr. Mello?

A. How do you mean?

Q. Checked the time, the job numbers and work done. You don't know what I mean by "checked over"?

A. No, sir.

Q. No one looked them over to see if there was any mistakes?

A. They did look them over, yes.

Q. Who does?

A. Mr. Adamson at the time.

Q. At the time?

A. Yes, sir.

Q. Did you turn them in to Mr. Adamson?

A. No, sir. I turned them in to the office.

Q. How do you know he looks them over?

A. Well, that is what they told me, he looks them over.

Q. You don't know?

A. Not exactly.

Q. When there is any trouble, or do you have any trouble about your time being correct, for instance?

A. Sometimes I do.

Q. Who do you talk with about it?

A. The timekeeper comes out and finds out how did I get that number.

Q. I am not talking about the number, but the time you worked on them. Did you ever have any trouble about that?

A. Yes, in the numbers.

Q. No, the time you work on a job.

Mr. FRANK.—The number of hours.

Mr. McCLANAHAN.—Q. The number of hours that you work on a job. Did you ever have any trouble about that?

(Testimony of John Mello.)

A. Not in the number of hours.

Q. That is, the number of hours you put down is always taken as correct?

A. That is, on the jobs. [736—647]

Q. Yes.

A. Well, there is; sometimes there is a difference in the numbers of the jobs.

Q. I am not talking about that. I am talking about the number of hours that you work on jobs. I say that time is always taken as correct, the time you have on your card?

A. What is on my card?

Q. It is always taken as correct? A. Yes, sir.

Q. You never have any trouble about that?

A. I never have any trouble.

Q. I hand you the card of August 31, and ask you in whose handwriting are the ink figures on that?

A. Well, I could not tell you whose handwriting it is.

Q. It is not yours? A. It is not mine.

Q. Don't you see there that your 18½ hours is reduced to 18 hours; that is, the half hour is stricken out?

Mr. FRANK.—Are you complaining about that, Mr. McClanahan?

A. Well, I will tell you, sometimes when I finish up my time, provided I work all night, I figure it up you know, and I make a mistake and put a half hour longer, and then the timekeeper corrects it.

Q. Sometimes you are liable to make a mistake in your time, and it is corrected? A. That is right.

(Testimony of John Mello.)

Q. And that card of August 31 is an illustration of the mistake that you probably made?

A. Of the mistake, yes.

Q. Now, where did you get your job numbers?

A. Generally on the piece of work as it comes in.

Q. Well, suppose it is not marked on the piece of work? A. Generally ask the foreman, then.

Q. Suppose you do not ask the foreman?

A. A pretty hard matter [737—648] then to get it.

Q. Do you ever do without getting it?

A. Without getting the number?

Q. Yes. A. I always get a number for it.

Q. Before you commence work?

A. Well, sometimes I will commence and afterwards I will get the number.

Q. And put it on your card?

A. And put it on my card, and mark it on the job.

Q. Do you ever send in a card that has no job number on? A. I have sometimes did it.

Q. So you sometimes do work on jobs the number of which you do not know?

A. I do not know that number.

Q. Sometimes.

A. Especially when you are working at night and there is no foreman.

Q. For instance, the card of September 8th which I hand you, where the last job number is inserted in red ink is an illustration of it, is it not?

A. That is it, when you don't have the number.

Q. That is, you work on that work and complete

(Testimony of John Mello.)

it without knowing the number, and it was afterwards inserted by the timekeeper? A. Yes, sir.

Q. Now, did you ever do work where you don't put down the article that you are working on?

A. Yes; sometimes I do.

Q. I hand you the card of September 10th and ask you if that is an illustration of your doing work and not putting down the article that you are working on? A. "Balance cylinder."

Q. That is not in your handwriting, "balance cylinder"? A. Yes, that is my handwriting.

Q. The body of the card is in your handwriting?

A. Yes. [738—649]

Q. Jno. Mello—

A. Jno. C. Mello is my handwriting.

Q. And the "balance cylinder" too?

A. Yes, sir.

Q. They do not look alike to me; that is the reason I called your attention to them. That is all.

[Testimony of Fenton K. Young, for Libelant.]

FENTON K. YOUNG, called for the libelant, sworn.

Mr. FRANK.—Q. Mr. Young, you were working in the United Engineering Works in August and September of 1909?

A. Yes; I was during the time of this job.

Q. Talk up loud, so that we will know what you are talking about. How did you keep track of your time, Young?

A. Well, on a separate slip of paper or else on my time-card.

(Testimony of Fenton K. Young.)

Q. How would you note the time that you had been working on the job? A. The clock.

Q. The clock? A. Yes.

Q. And what would you do when you noted the clock with reference to making a record of it?

A. Either get the exact time, when I start and when I finish and then either put it on the separate slip or else on my card.

Q. Or on your card?

A. When the job was finished.

Q. When would you put it on a slip and when would you put it on the card?

A. Put it on the slip while I was working and at night you put it on your card.

Q. Now, I show you a card of August 28th, being a part of Adamson Exhibit No. 59, and ask you whether or not that is a card in your own handwriting and made out in the manner in which you have indicated. [739—650]

Mr. McCLANAHAN.—I object to the question on the ground that the card has already been identified by Adamson and forms a part of his Exhibit No. 59; on the ground that it is cumulative, and on the ground that it is encumbering the record by the further examination of the card.

A. Yes, sir.

Mr. FRANK.—Q. I hand you now your card of September 1, being a part of Adamson Exhibit No. 58, and ask you whether or not that is a card in your own handwriting and made out in the manner in which you have indicated.

(Testimony of Fenton K. Young.)

Mr. McCLANAHAN.—The same objection.

A. That is the same.

Mr. FRANK.—Q. I see here some changes, and I ask you whether or not there are changes in your own handwriting?

A. Which? Those ink marks here?

Q. No, those here (pointing). Yes, those are my own.

Q. They are in your handwriting? A. Yes.

Q. That is, in the hours? A. Yes, sir.

Q. Made at the time before the card was passed in? A. Yes, sir.

Q. I now show you a card dated September 2, being part of Adamson Exhibit No. 58, and ask you whether or not that is a card in your own handwriting and made out in the manner in which you have already indicated?

Mr. McCLANAHAN.—The same objection.

A. That is my own.

Mr. FRANK.—Q. I now show you a card dated September 3d, being part of Adamson Exhibit No. 58, and ask you whether or not that is a card in your own handwriting, and made out in the manner in [740—651] which you have already indicated?

Mr. McCLANAHAN.—The same objection.

A. Yes, sir.

Mr. FRANK.—Q. Just look at that first number in ink “2” and tell us what the number is underneath the “2.” A. It is a 2.

Q. It is a 2 also? A. Yes.

Q. So that is no change, only made plainer?

(Testimony of Fenton K. Young.)

A. Yes, sir.

Q. I now show you a card dated September 5, being part of Adamson Exhibit No. 58, and ask you whether or not that is a card in your own handwriting, and made out in the manner in which you have already indicated?

Mr. McCLANAHAN.—The same objection.

A. Yes, the same.

Mr. FRANK.—Q. I now show you a card dated September 6th, being part of Adamson Exhibit No. 58, and ask you whether or not that is a card in your own handwriting, and made out in the manner in which you have already indicated.

Mr. McCLANAHAN.—The same objection.

A. Yes, sir.

Mr. FRANK.—On that September 6th I notice a change in the “2” in the first job number there; was that done by you, in your handwriting?

A. I don’t know. I could not tell you that; just a change of the number, that is all. I don’t remember.

Q. You don’t remember? You don’t know whether that is your own handwriting or not?

A. That might have been made plainer by the timekeeper.

Q. Well, you don’t know whose number that is?

A. No, sir.

Q. I now show you a card dated September 7th, being a part of [741—652] Adamson Exhibit No. 58, and ask you whether or not that is a card in your own handwriting, and made out in the manner in

(Testimony of Fenton K. Young.)

which you have already indicated.

Mr. McCLANAHAN.—The same objection.

A. That is mine except this one here, this job number is changed.

Q. Whose change is that, do you know?

A. The timekeeper.

Q. When the timekeeper made a change like that would he consult you about it? A. Yes, sir.

Q. And you say the rest is in your handwriting?

A. Yes, sir.

Q. The change from 12½ to 11½, is that your own handwriting?

A. That is figuring the time; that is where we figured the time, the overtime.

Q. No, but the 2 is reduced to 1, isn't it?

A. That is my own handwriting.

Q. I now show you a card dated September 10th, being a part of Adamson Exhibit No. 58, and ask you whether or not that is a card in your own handwriting, and made out in the manner in which you have already indicated?

Mr. McCLANAHAN.—The same objection.

A. There is a change here by the timekeeper, that is all.

Mr. FRANK.—Q. The same way that you have already testified to? A. Yes, sir.

Q. Did he consult you about it? A. Yes, sir.

Q. I now show you a card dated September 11th, being a part of Adamson Exhibit No. 58, and ask you whether or not that is a card in your own handwriting, and made out in the manner in which you

(Testimony of Fenton K. Young.)

have already indicated.

Mr. McCLANAHAN. — The same objection.
[742—653]

A. The same in regard to this number; that is all.

Q. How about the 6? The number that you refer to is the red ink number. A. Yes.

Q. How about the 6 in the hours worked; whose handwriting is that? A. That is mine.

Q. Your own? A. Yes, sir.

Cross-examination.

Mr. McCLANAHAN.—Q. Mr. Young, you have said that the timekeeper would consult you when he made a change in the job number? A. Yes.

Q. Why would he do that?

A. Well, if I would get the number wrong, if he knew it was not the right number, or something like that, on the part of the engine we worked on, he would come and ask me and say there was nothing under that heading.

Q. Why would he consult you about it? What interest did you have in the job number?

A. He would do that to clear himself. If he had a job for a certain thing under a certain number and there was nothing on that job to correspond with what I had on my card he would want to know what it was, and then I would tell him and he would say that was the wrong number.

Q. How would you happen to get the wrong number? A. By misunderstanding.

Q. With whom?

A. If I should happen to make a mistake in copy-

(Testimony of Fenton K. Young.)

ing or something like that.

Q. Now, I show you your card of September 3d, where there appears Nos. 5320 and 2205 with a bracket after and under the hours worked "2." Does that apply to both those numbers?

A. I don't know; I have forgotten. [743—654]

Q. You don't know how long you worked on 5320?

A. Those two jobs may be under the same heading, and one be numbered from the other side, the other shop.

Q. What other shop do you refer to?

A. The city.

Mr. FRANK.—Neither of those are "Hilonian" numbers, *Mr. Frank*.

Mr. McCLANAHAN.—Mr. Frank, you are offering the whole card and I have a right to cross-examine on the whole card.

Mr. FRANK.—I understand, but it is immaterial so far as your cross-examination is concerned, because it does not affect your case.

Mr. McCLANAHAN.—I frankly tell you if you think it is immaterial you are making a mistake because you will find out it is.

Mr. FRANK.—Very well, Mr. McClanahan; if you and I thought exactly alike there would not be any case at all.

Mr. McCLANAHAN.—Q. Mr. Young, I see on your card of September 7th a change in your hours worked which you say was made by yourself, 12 hours reduced to 11½. A. Yes, sir.

Q. How did you make the mistake originally in

(Testimony of Fenton K. Young.)

putting down 12 hours? A. Counting the clock.

Q. Who called your attention to the mistake, do remember? A. The chances are I did it myself.

Q. So that there is a chance of your making a mistake once in a while on the hours?

A. A fellow is liable to do that.

Q. The same with the September 11th card, there was a mistake made there in the time under 5295, was there not, and you changed it? A. Yes, sir.

Q. Nobody checks over your time, do they?

A. Not so far as I know. [744—655]

Q. You are still employed by the United Engineering Works? A. Yes, sir.

Q. Do you know a man named Stimmel—D. Stimmel? A. Yes.

Q. Do you know a man named John D. Pennycott? A. Yes.

Q. Do you know a man named John Mello?

A. Yes, sir.

Q. They are all employed by the United, are they not? A. No, sir.

Q. None of them are employed by the United now?

A. They are all but one.

Q. Which one is not? A. Pennycott.

Q. All the others are? A. Yes, sir.

[Testimony of John P. Wojdacki, for Libelant.]

JOHN P. WOJDACKI, called for the libelant, sworn.

Mr. FRANK.—Q. Wojdacki, you worked in the United Engineering Works, did you, in August and September, 1909? A. Yes, I did.

(Testimony of John P. Wojdacki.)

Q. You were a machinist, were you not?

A. Yes, sir.

Q. Did you keep a record of your time that you worked on each job? A. Yes.

Q. How did you keep the record of the time?

A. The record of the time I always been put on a little note to the evening time when I filled out the time-card.

Q. When you say a little note you mean to say a piece of paper?

A. Yes, a piece of paper or piece of sheet iron.

Q. On that you would put what?

A. Put the numbers of the work and the time it took to perform the work.

Q. And the time it took to perform the work?

A. Yes, sir.

Q. And at night-time you wrote that off on to your card? A. Yes, sir. [745—656]

Q. How did you note the time—did you have a clock or watch?

A. There is a clock in the shop, belongs to the company, and besides I got a watch of my own.

Q. Now, I show you a card of September 15th, being part of Adamson Exhibit No. 7, and ask you if that is a card kept by you in the manner you have indicated, and whether the same is in your own handwriting, written down at the date at which it bears.

Mr. McCLANAHAN.—I object to the question on the ground that the card has already been identified by Adamson and forms a part of his Exhibit No. 7;

(Testimony of John P. Wojdacki.)

on the ground that it is cumulative, and on the ground that it is encumbering the record by the further examination of the card.

A. I beg your pardon, sir. I did not understand the question.

Mr. FRANK.—Read the question.

(The last question repeated by the Reporter.)

A. Yes, sir.

Q. I hand you a card dated September 17th, being a part of Adamson Exhibit No. 7, and ask you if that is a card kept by you in the manner you have indicated, and whether the same is in your own handwriting, written down at the date at which it bears.

Mr. McCLANAHAN.—The same objection.

A. Yes, except the machinist.

Mr. FRANK.—Q. You mean the word machinist?

A. Yes, the word machinist.

Q. Was not that written by you?

A. No, sir, it is not.

Q. I now show you a card of September 22d, being a part of Adamson Exhibit No. 7, and ask you if that is a card kept by you in the manner you have indicated, and whether the same is in your [746—657] own handwriting, written down at the date at which it bears.

Mr. McCLANAHAN.—The same objection.

A. That is, the word “Hilonian” is not put by me.

Mr. FRANK.—Q. Now, look at that carefully and see for yourself. I do not want to tell you anything one way or another, but it is with the same pencil.

A. It looks to me that it is not mine but I would

(Testimony of John P. Wojdacki.)

not be positive of it.

Q. Well, at any rate, the numbers are all yours, are they not? A. Yes, sir.

Q. Now, I show you a card dated September 21, being part of Adamson Exhibit No. 7, and ask you if that is a card kept by you in the manner you have indicated, and whether the same is in your own handwriting, written down on the date at which it bears date.

Mr. McCLANAHAN.—The same objection.

A. It is all mine.

Mr. FRANK.—Q. I now show you a card dated September 8th, being part of Adamson Exhibit No. 34, and ask you if that is a card kept by you in the manner you have indicated, and whether the same is in your own handwriting, written down on the date at which it bears.

Mr. McCLANAHAN.—The same objection.

A. The word “machinist” is not mine.

Mr. FRANK.—Q. There is one number here changed from 3 to 4; is that change in your own handwriting?

A. That is in my own handwriting.

Q. Made at the time before you passed the card in? A. Yes.

Q. I now show you a card dated September 7th, being part of Adamson Exhibit No. 34, and ask you if that is a card kept by [747—658] you in the manner you have indicated, and whether the same is in your own handwriting, written down on the date at which it bears.

(Testimony of John P. Wojdacki.)

Mr. McCLANAHAN.—The same objection.

A. Everything is mine here.

Mr. FRANK.—Q. I now show you a card dated September 6th, being part of Adamson Exhibit No. 34, and ask you if that is a card kept by you in the manner you have indicated, and whether the same is in your own handwriting, written down on the date at which it bears.

Mr. McCLANAHAN.—The same objection.

A. Everything is mine.

Mr. FRANK.—Q. I now show you a card dated September 5th, being part of Adamson Exhibit No. 34, and ask you if that is a card kept by you in the manner you have indicated, and whether the same is in your own handwriting, written down on the date at which it bears.

Mr. McCLANAHAN.—The same objection.

A. Everything is mine.

Mr. FRANK.—Q. I now show you a card dated September 3d, being part of Adamson Exhibit No. 34, and ask you if that is a card kept by you in the manner you have indicated, and whether the same is in your own handwriting, written down on the date at which it bears.

Mr. McCLANAHAN.—The same objection.

A. Everything is mine.

Mr. FRANK.—Q. I now show you a card dated September 2d, being part of Adamson Exhibit No. 34, and ask you if that is a card kept by you in the manner you have indicated, and whether the same is in your own handwriting, written down on the date

(Testimony of John P. Wojdacki.)

at which it [748—659] bears.

Mr. McCLANAHAN.—The same objection.

A. Everything is mine here.

Mr. FRANK.—Q. I now show you a card dated September 1st, being part of Adamson Exhibit No. 34, and ask you if that is a card kept by you in the manner you have indicated, and whether the same is in your own handwriting, written down on the date which it bears.

Mr. McCLANAHAN.—The same objection.

A. The same here.

Mr. FRANK.—Q. Underneath that $\frac{1}{2}$ there, do you know what that was, in your handwriting underneath the $\frac{1}{2}$ in ink?

A. All the ink isn't mine.

Q. I know, but underneath that ink, what was that? A. I don't know what it was.

Q. Can't you make it out? I think I can make it out. I think you ought to be able to make it out.

A. Well, it looks like the number of hours put together, as it is figured out.

Q. Isn't that 6:30? A. That is 6 $\frac{1}{2}$.

Q. 6:30. The 30 is changed to $\frac{1}{2}$? A. Yes.

Q. I now show you a card dated August 31st, being part of Adamson Exhibit No. 34, and ask you if that is a card kept by you in the manner you have indicated, and whether the same is in your own handwriting, written down on the date which it bears?

Mr. McCLANAHAN.—The same objection.

A. Yes; everything is mine.

Mr. FRANK.—Q. In that same card I wish you

(Testimony of John P. Wojdacki.)

would look at that $1\frac{1}{2}$ and see what is underneath it.

A. Underneath is $14\frac{1}{2}$, $5\frac{1}{2}$ —

Q. No; I mean underneath the half—the 5 there in your handwriting. Turn it around so that the light shines on it. [749—660]

A. It was 5:30 and it is exchanged from the 30 into $1\frac{1}{2}$ in ink.

Q. Into $1\frac{1}{2}$? A. Yes.

Q. I now show you a card dated August 30th, being part of Adamson Exhibit No. 34, and ask you if that is a card kept by you in the manner you have indicated, and whether the same is in your own handwriting, written down on the date which it bears.

Mr. McCLANAHAN.—The same objection.

A. It is all mine.

Mr. FRANK.—Q. All those cards made out by you in the manner you have indicated?

A. By myself.

Q. The time kept in the manner you have indicated? A. Yes.

Cross-examination.

Mr. McCLANAHAN.—Q. When you start on a job do you put the time down on the slip of paper?

A. Yes.

Q. And then when you finish with the job what do you do?

A. When I finish on the job I generally look at the clock, how long it took me to do it.

Q. And so—

A. So as to know how much I got to put on the card.

(Testimony of John P. Wojdacki.)

Q. So in the first instance you would put down the time you commenced? A. Yes, sir.

Q. Then when you finished the job you would look at the clock and find out how much time you had taken? A. Yes, how much time it took.

Q. And you put that where?

A. On a piece of paper.

Q. And then at night?

A. At night I put it on the time-card.

Q. Now, I show you your card of September 8th, where three hours is changed to four hours. How do you account for the change? [750—661]

A. Well, I made a mistake by putting 3 instead of 4.

Q. When did you make that mistake?

A. This was at the time there was a change in the number of the hours, I believe, at that time, and if we had been working less than 9 hours, it was put 9 hours on the time-card; then we would get rattled once in a while.

Q. You would get rattled?

A. We did not know whether it would be right to put the exact number of hours we worked or whether to put 9 hours.

Q. So this 3 was probably the exact number of hours you worked?

A. No, it was not the exact number of hours.

Q. What was it, 4?

A. The exact time, you know, was always divided into correspondingly between the number of hours put on the work. You know that the reduction from

(Testimony of Pohn P. Wojdacki.)

the 9 hours to the 8 was made gradually.

Q. Gradually.

A. First we started to work $8\frac{3}{4}$ hours, and then we worked $8\frac{1}{2}$ for six months, and then $8\frac{1}{4}$, until we came to 8.

Q. Getting pay for nine hours?

A. For nine hours; and we had been putting it on the time-card 9 hours until the notice was put to the effect, to put the 8 hours.

Q. When did this change from 9 hours first commence? A. I could not tell that exactly.

Q. You don't know whether it was in September, 1909, or not?

A. I know it didn't commence in September; it commenced in June month, and then was six months after reduced a quarter of an hour.

Q. That is the understanding was consummated in June? A. Yes, sir.

Q. And it did not take effect until 6 months afterwards?

A. No. A quarter of an hour was reduced every six months.

Q. From June on? A. Yes. [751—662]

Q. That was in the year 1909?

A. I am not positive about that.

Q. But you think June is correct?

A. Yes, I know June is correct, but I don't know whether it was in that year.

Q. Are you working eight hours now?

A. Yes, sir.

Q. When did you start to work eight hours?

(Testimony of Pohn P. Wojdacki.)

A. We worked about a year and a half already, but I don't know the exact date.

Q. About a year and a half? A. Yes.

Q. So that in September 1909, you must have been working less than nine hours? A. Yes, sir.

Q. So that your time-cards, if they show 9 hours of work, do not represent 9 hours of actual work?

A. No, sir.

Q. That is true all through the shop, is it?

A. Yes, with every man employed in the shop.

Q. You are still in the employ of the company, are you?

A. Yes, I am still in the employ of the company.

(An adjournment was here taken until to-morrow, Thursday, September 7th, 1911, at 10 o'clock A. M.)
[752—663]

Thursday, September 7th, 1911.

**[Testimony of Stephen Cronin, for Libelant
(Recalled).]**

STEPHEN CRONIN, recalled for further examination:

Mr. FRANK.—Q. Cronin, on your former examination I understood you to say that you were at work in the storeroom at night-time after Mr. Roberts left. A. Yes, sir.

Q. And when you were you attended to the delivering of the stores during that time? A. Yes, sir.

Q. As well as of the other work that you performed? A. Yes, sir.

Q. I show you a stock card A6434, and ask you whether or not that is a stock card of stock issued by

(Testimony of Stephen Cronin.)

you at the time indicated.

A. Yes, sir, this is not my writing. That is Mr. Roberts, at the bottom.

Q. One gallon gasoline? A. Yes, sir.

Q. The rest is in your handwriting?

A. Yes, sir, all but the signature.

Q. How was that material issued?

A. It was issued by the fellow who came after it.

Q. By the fellow who came after it or to the fellow?

A. To the fellow.

Q. How would you issue it, whether on an order or not?

A. He would come in and ask me for the material and I would get the job number, put it down and write the order.

Q. How did you get the job number?

A. By the list of numbers brought in from the office.

Q. How would you ascertain what work it was intended for?

A. He would tell me. This fellow would tell me what it was [753—664] used on and I would put it down on the tag.

Q. During this night-time what particular work was there that was going on at the Works?

A. I don't remember. It was just on the boats; that is all I remember.

Q. I mean whether the "Hilonian" or other work was the work that was going on?

A. It was the engine on the "Hilonian."

Q. Did the man bring any order for this partic-

(Testimony of Stephen Cronin.)

ular material from anybody? A. No, sir.

Mr. FRANK.—We offer this in evidence.

Mr. McCLANAHAN.—I object to the offer as incompetent, irrelevant, immaterial, hearsay, self-serving, not binding on the respondent.

Q. Mr. FRANK.—Q. I now show you a stock card A6439, and ask you whether or not that is a card of material issued by you at the time indicated, and for the job number indicated.

A. Yes, sir, all but my signature.

Mr. FRANK.—We offer this in evidence.

Mr. McCLANAHAN.—The same objection.

Mr. FRANK.—Q. I now show you a stock card A6446, and ask you whether or not that is a card of material issued by you at the time indicated, and for the job number indicated. A. Yes, sir, the same.

Q. Issued by you in the same manner?

A. Yes, sir.

Mr. FRANK.—We offer this in evidence.

Mr. McCLANAHAN.—The same objection.

Mr. FRANK.—Q. I now show you a stock card A6448, and ask you whether or not that is a card of material issued by you at the time indicated, and for the job number indicated. A. Yes, sir. [754—665]

Mr. FRANK.—We offer this in evidence.

Mr. McCLANAHAN.—The same objection.

Mr. FRANK.—Q. I now show you a stock card A6449, and ask you whether or not that is a card of material issued by you at the time indicated, and for the job number indicated.

(Testimony of Stephen Cronin.)

A. No, sir, that is not mine.

Q. 6449? A. No, sir, that is Nelson's.

Q. Well, what I am asking you is not if it is your own handwriting, but whether it was issued by you?

A. I don't remember.

Q. You don't remember? A. No, sir.

Q. That is an order signed by Nelson, is it?

A. Yes, sir. Nelson signed it.

Q. Who is Nelson? A. He is a machinist.

Q. A machinist? A. Yes, sir.

Q. Could he get that out of the shop without you delivering it to him if you were there, or Roberts?

A. If I was there. He must have got it from Mr. Roberts. Mr. Roberts' name is signed there.

Q. I now show you a stock card A6494, and ask you whether or not that is a card of material issued by you at the time indicated, and for the job number indicated. A. Yes, sir.

Mr. FRANK.—We offer this in evidence.

Mr. McCLANAHAN.—The same objection.

Mr. FRANK.—Q. I now show you a stock card A6495, and ask you whether or not that is a card of material issued by you at the time indicated, and for the job number indicated. A. No, sir.

Mr. FRANK.—Q. I now show you a stock card A2304, and ask you whether or not that is a card of material issued by you at the time indicated, and for the job number indicated. [755—666]

A. Yes, sir.

Mr. FRANK.—We offer this in evidence.

Mr. McCLANAHAN.—The same objection.

(Testimony of Stephen Cronin.)

Mr. FRANK.—Q. I now show you a stock card A2319, and ask you whether or not that is a card of material issued by you at the time indicated, and for the job number indicated. A. Yes, sir.

Mr. FRANK.—We offer this in evidence.

Mr. McCLANAHAN.—The same objection.

Mr. FRANK.—Q. I now show you a stock card A2391, and ask you whether or not that is a card of material issued by you at the time indicated, and for the job number indicated. A. Yes, sir.

Mr. FRANK.—We offer this in evidence.

Mr. McCLANAHAN.—The same objection.

Mr. FRANK.—Q. I now show you a stock card A2393, and ask you whether or not that is a card of material issued by you at the time indicated, and for the job number indicated. A. No, sir.

Q. What does that S. C. mean underneath there?

A. That is my signature, my initials rather.

Q. What is your answer now whether you issued that or not?

A. I don't know whether I issued it or not. I must have. My signature is down there.

Q. What did you put your initials down there for?

A. It was me that wrote the order.

Mr. FRANK.—We offer this in evidence.

Mr. McCLANAHAN.—The same objection.

Mr. FRANK.—Q. I now show you a stock card A2396, and ask [756—667] you whether or not that is a card of material issued by you at the time indicated, and for the job number indicated.

A. Yes, sir.

(Testimony of Stephen Cronin.)

Mr. FRANK.—We offer this in evidence.

Mr. McCLANAHAN.—The same objection.

Mr. FRANK.—Q. I now show you a stock card A2413, and ask you whether or not that is a card of material issued by you at the time indicated, and for the job number indicated. A. Yes, sir.

Mr. FRANK.—We offer this in evidence.

Mr. McCLANAHAN.—The same objection.

Mr. FRANK.—Q. I now show you a stock card A2417, and ask you whether or not that is a card of material issued by you at the time indicated, and for job number indicated. A. Yes, sir.

Mr. FRANK.—We offer this in evidence.

Mr. McCLANAHAN.—The same objection.

Mr. FRANK.—Q. I now show you a stock card A2441, and ask you whether or not that is a card of material issued by you at the time indicated, and for the job number indicated. A. Yes, sir.

Mr. FRANK.—We offer this in evidence.

Mr. McCLANAHAN.—The same objection.

Mr. FRANK.—Q. I now show you a stock card A2455, and ask you whether or not that is a card of material issued by you at the time indicated, and for the job number indicated. A. Yes, sir.

Mr. FRANK.—We offer this in evidence.

Mr. McCLANAHAN.—The same objection. [757—668].

Mr. FRANK.—Q. I now show you a stock card A2432, and ask you whether or not that is a card of material issued by you at the time indicated, and for the job number indicated. A. Yes, sir.

(Testimony of Stephen Cronin.)

Mr. FRANK.—We offer this in evidence.

Mr. McCLANAHAN.—The same objection.

Mr. FRANK.—Q. I now show you a stock card A2432, and ask you whether or not that is a card of material issued by you at the time indicated, and for the job number indicated. A. Yes, sir.

Mr. FRANK.—We offer this in evidence.

Mr. McCLANAHAN.—The same objection.

Mr. FRANK.—Q. I now show you a stock card A2481, and ask you whether or not that is a card of material issued by you at the time indicated, and for job number indicated. A. Yes, sir.

Mr. FRANK.—We offer this in evidence.

Mr. McCLANAHAN.—The same objection.

Mr. FRANK.—Q. I now show you a stock card A2493, and ask you whether or not that is a card of material issued by you at the time indicated, and for the job number indicated. A. Yes, sir.

Mr. FRANK.—We offer this in evidence.

Mr. McCLANAHAN.—The same objection.

Mr. FRANK.—Q. I now show you a stock card A2494, and ask you whether or not that is a card of material issued by you at the time indicated, and for the job number indicated. A. Yes, sir.

Mr. FRANK.—We offer this in evidence. [758—669]

Mr. McCLANAHAN.—The same objection.

Mr. FRANK.—Q. I now show you a stock card A3232, and ask you whether or not that is a card of material issued by you at the time indicated, and for the job number indicated. A. Yes, sir.

(Testimony of Stephen Cronin.)

Mr. FRANK.—We offer this in evidence.

Mr. McCLANAHAN.—The same objection.

Mr. FRANK.—Q. I now show you a stock card A3233, and ask you whether or not that is a card of material issued by you at the time indicated, and for the job number indicated. A. Yes, sir.

Mr. FRANK.—We offer this in evidence.

Mr. McCLANAHAN.—The same objection.

Mr. FRANK.—Q. I now show you a stock card A3237, and ask you whether or not that is a card of material issued by you at the time indicated, and for the job number indicated. A. Yes, sir.

Mr. FRANK.—We offer this in evidence.

Mr. McCLANAHAN.—The same objection.

Mr. FRANK.—Q. I now show you a stock card A3264, and ask you whether or not that is a card of material issued by you at the time indicated, and for the job number indicated. A. Yes, sir.

Mr. FRANK.—We offer this in evidence.

Mr. McCLANAHAN.—The same objection.

Mr. FRANK.—Q. I now show you a stock card A3287, and ask you whether or not that is a card of material issued by you at the time indicated, and for the job number indicated. A. Yes, sir.

Mr. FRANK.—We offer this in evidence.

Mr. McCLANAHAN.—The same objection. [759—670]

Cross-examination.

Mr. McCLANAHAN.—Q. How old did you say you were, Stephen? A. 18.

Q. I see “Roberts” signed at the end of all these

(Testimony of Stephen Cronin.)

cards. A. Yes, sir.

Q. Who signed that? A. Mr. Roberts.

Q. When? The next day?

A. The next morning.

Q. The handwriting on the body of the card is yours? A. Yes, sir.

Q. When a man came in and asked for candles how did you know what job number to charge it to?

A. He would tell me.

Q. Who would tell you? A. This man.

Q. He would tell you what?

A. He would tell me the job number unless he told me the boat it was for and I looked the number up and put it down on the order.

Q. Did you not know that the "Hilonian" had a number of job numbers? A. I don't remember.

Q. You do not know where the man got the job number when he told it to you? A. No, sir.

Mr. FRANK.—I did not understand him to say the man gave him the job number.

Mr. McCLANAHAN.—Q. Did you not say that?

A. He would give me the job number or he would tell me what boat it was, and I would look at the list of numbers and put it down on the tag.

Q. If the "Hilonian" had a number of job numbers, and he would tell you it was the "Hilonian," how could you determine by looking at the tag what the job number was to which these candles should be charged?

A. He would tell me what part of the boat it was used on. [760—671]

(Testimony of Stephen Cronin.)

Q. How would you know then what job number to put down? A. I looked it up on the list.

Q. On what list? A. The list of job numbers.

Q. Would this list show you the character of the work?

A. It would show me the different job numbers and what they were for.

Q. There is your card A3233, charging to job number 5325 3 pounds and $\frac{3}{8}$ C. R. steel. How did you know to charge that to 5325?

A. He would give me the number.

Q. Who would give you the number?

A. The man who came in and got the material.

Q. You don't know where he got it from?

A. No, sir.

Q. Look at job number 5295, your card A3264. Where did you get the job number for that card?

A. If he did not give me the job number I looked it up on the list and got the job number.

Q. How could you get the job number by looking it up on the list?

A. It gave the list of different job numbers.

Q. And from knowing what he wanted, as shown by this card, you could tell by looking at the job number list what job number it was to be charged to?

A. Yes, sir.

Q. Is that the same with reference to your card A3237? A. Yes, sir.

Q. That is, by looking up your list of job numbers you could tell from the material that he wanted what job number of the "Hilonian" it was to be charged

(Testimony of Stephen Cronin.)

to? A. Yes, sir.

Q. I show you your card of September 7th, A2441, where two dozen candles are charged to 5295. How did you get that number? [761—672]

A. That was used on the engine, and the engine number was 5295.

Q. How do you know that those two dozen candles were used on the engine?

A. The man who came up and got the material told me.

Q. There is nothing on the card to show it, is there? A. No, sir.

Q. Do you remember that he told you?

A. I don't remember.

Q. Then what are you saying he told you for if you don't remember?

A. That is what they do. They come up that way and tell me the number and the material they wanted, and I put it down.

Q. Where did you keep these lists that you refer to as containing the job numbers of the "Hilonian"?

A. The storekeeper kept the lists on his desk.

Q. If a man should come up and ask for something from the storeroom from you and tell you what job number it was intended for, you would make out a card and give him the material, would you?

A. Yes, sir.

Redirect Examination.

Mr. FRANK.—Q. What is it you said, Mr. Cronin, on your cross-examination about asking the man

(Testimony of Stephen Cronin.)

what it was to be used on? I understood you to say that if you did not know what the job number was, you would ask the man what it was to be used on, and look it up on the list? A. Yes, sir.

Q. Did you do that also? A. Yes, sir.

Q. So that it was not entirely on what the man told you that you depended on, was it? A. No, sir.

Recross-examination.

Mr. McCLANAHAN.—Q. Suppose a man came in and asked you for two dozen candles that he wanted to use on 5295, would you give [762—673] it to him?

A. Yes, sir, if he gave me the job number.

Q. Without looking up the list?

A. Without looking up the list.

[Testimony of Fred Boyd, for Libelant.]

FRED BOYD, recalled for further examination:

Mr. FRANK.—Q. Mr. Boyd, did you give out material for use on this job during the night-time?

A. I gave out orders for it whenever I worked overtime.

Q. Whenever you worked overtime?

A. Or whenever Mr. Robertson was not there, the man who had charge of the toolroom. When he was away I had charge and made out the orders.

Q. When you made out the orders, what do you mean by that? Would you deliver the material on those orders?

A. A man would come to me and tell me what he wanted, and I would make out the material he wanted

(Testimony of Fred Boyd.)

on the card, and he would take it over to the store-room, and they would give him the material in the storeroom, that is, if it was not material we had in the toolroom. We keep machine tools in the toolroom.

Q. If you had it in your toolroom you would deliver it to him on those orders?

A. I would deliver it to him and charge it up.

Q. During the time that you were working there in the night-time during this particular time, do you remember whether or not the work was "Hilonian" work?

A. Most of it was, but I gave out orders for other jobs.

Q. Now, I show you a stock card dated August 27th, 1909, and ask you what that is. The number is C6817? A. 1 and 3-4—

Q. What I mean by that is, is that an order for material that you delivered out? [763—674]

A. That is an order for them to go to the store-room to get the material.

Q. That is an order for them to go to the store-room to get that particular material?

A. Yes, sir.

Q. How would you know what job number to put it to?

A. I knew what job the man was working on, and he would give me the number.

Q. How would you know what job he was working on?

A. Well, I always knew before I would give them

(Testimony of Fred Boyd.)

an order for any material. I would not give a man an order unless I knew positively that he was working on that job.

Q. You would know what jobs were going on at night-time while you were there?

A. Well, when a man would come to me for the order I would know. I always knew at night when I was working too what jobs they were working on.

Q. This "F. B." on the bottom of that—

A. That is my signature.

Q. Your initials? A. Yes, sir.

Q. Would you retain this order or would he take it?

A. He would take that order to the storeroom. I would put it in the stub in the order book.

Q. That is, you would have a duplicate of that?

A. Yes, sir.

Q. And he would take this order and go and get the material, is that it?

A. He would take that order to the storeroom to get the material.

Q. I show you C6818, and ask you about that, whether that is an order for material issued by you from the toolroom, or an order for him to go to the storeroom and get it?

A. That is an order for a piece of steel that I went after myself, to make the tool out of. [764—675]

Q. That is, you took this order to the tool shop, to the storeroom and left the order there and took the material yourself?

A. And took the material myself.

(Testimony of Fred Boyd.)

Q. After you finished with the tool how would you deliver it, or to whom would you deliver it?

A. To the man in charge of the job, and there were times when he would send a man up from the boat to get it.

Mr. FRANK.—I offer that in evidence.

Mr. McCLANAHAN.—I object to it as incompetent, irrelevant, immaterial, hearsay, self-serving and not binding on the respondent.

Mr. FRANK.—Q. I show you C6288, and ask you whether that is an order for material issued by you from the toolroom or an order for the man to go to the storeroom and get it?

A. That is material we had in the toolroom.

Q. Issued by yourself?

A. Someone else put down the amount that they took. I put down the fuse, and then they put down the amount and I signed my name.

Q. Would you superintend it to see that the amount was right when you issued it?

Mr. McCLANAHAN.—I object to that as leading and suggestive.

Mr. FRANK.—Q. How would you know whether or not they got that particular amount?

A. In that case the man that took it off measured it.

Q. Would you be present?

A. I was present. He would take out his rule, measure the piece and cut it off with his pocket knife.

Q. How would you satisfy yourself that he put down the correct number of feet?

(Testimony of Fred Boyd.)

A. I was busy at the time and I told him to [765—676] take it to the storeroom and told him to write down the amount he took because I was working on some job and did not have time at the time then to put it down.

Q. That is your own storeroom?

A. All the orders that I made out went through the storeroom into the box and would all go to the office.

Q. When you say you told him to take it to the storeroom, what do you mean, take the order to the storeroom? A. The order to the storeroom.

Q. After he got the material?

A. After he got the material.

Q. Where would he get the material? In your shop? A. He got that material in the toolroom.

Q. In your toolroom? A. In the toolroom.

Q. All these orders that bear your signature would be deposited in the storeroom?

A. They would go through the storeroom and then to the office.

Q. Is that the same with reference to C6817?

A. That is material that was in the storeroom.

Q. I mean would that be deposited in the storeroom?

A. The man would take that to the storeroom to get the material.

Mr. FRANK.—I offer that in evidence.

Mr. McCLANAHAN.—The same objection.

Mr. FRANK.—Q. I show you C6826, and ask you whether that is an order for material issued by you from the toolroom, or an order for the man to go to

(Testimony of Fred Boyd.)

the storeroom and get it? A. That is my order.

Q. Would you deliver the material on that?

A. The man would take that order to the storeroom to get the [766—677] material. I would know when he used the material on that.

Q. What do you mean by that?

A. On that particular job, before they would take the boring-bar out I would get all the boring-bar tools together, and I would know that he would need the bolts on the job, so I would make out the order for the bolts and he would go over to the storeroom and get the bolts.

Q. That is, he could not use the tool without those bolts?

A. Without those bolts. That was for the spider-head of the boring-bar.

Q. He would get the tool from you and on this order he would get the bolts from the shop?

A. Out of the storeroom. I would give him an order to go to the storeroom to get the bolts to be used on the bar.

Mr. FRANK.—I offer that in evidence.

Mr. McCLANAHAN.—Just wait a moment. I want to examine the witness on it.

Mr. FRANK.—You can ask him on cross-examination.

Mr. McCLANAHAN.—I have a right to examine the witness before the exhibit goes in evidence.

Mr. FRANK.—You can cross-examine him afterwards.

Mr. McCLANAHAN.—I want to do it now.

(Testimony of Fred Boyd.)

Q. You do not know, Mr. Boyd, that this was delivered to the man who went after it?

A. I would know he would have to have the material and the bolts to do the job.

Q. Please answer the question.

Mr. FRANK.—He has answered it.

Mr. McCLANAHAN.—Q. You do not know that they were delivered from the storeroom to the man?

A. I would not know that he received those bolts, no.

Mr. McCLANAHAN.—I object to the offer as being incompetent, [767—678] irrelevant, immaterial, self-serving, not binding on the respondent.

Mr. FRANK.—Q. By saying he would need those bolts what do you mean?

A. I know he would have to have those bolts. If he did not have those bolts he would have to take some other bolts.

Q. Would the other bolts have to be of the same size?

A. Yes, sir, they would be the same size. I knew they had to be used on the job.

Q. I show you C6828, and ask you whether that is an order for material issued by you from the tool-room, or an order for the man to go to the storeroom and get it. A. That is my order.

Q. This I notice is for candles?

A. I would write out the order and they would go over to the storeroom and get the candles.

Q. Why would they come to you for an order for

(Testimony of Fred Boyd.)

candles instead of going directly to the storeroom for them?

A. The storeroom man would not make out the order for him. He was supposed to have the order before he would go to the storeroom.

Q. Why would you make out the order for them?

A. I knew the man was working on the job and he would ask for the candles that he needed, and I would make out the order for him.

Q. How did you know he was working on the job?

A. I would generally know by the tools he was using that he would have to have for the job, on account of being in the toolroom.

Q. I notice on here "Used on engine"; that is your handwriting, is it? [768—679]

A. That is my handwriting; yes.

Q. Then, would a particular class of men come to you for these materials, I mean a particular department of men, or would all the men working on a job come to you for such material as that?

A. It was either the machinists or helpers.

Q. That is, it was the machine-shop men that would come to you for such an order?

A. For such an order? Well, not always. There are men working on the boats at times, machinists.

Q. It would be a machinist?

A. A machinist that would come.

Q. A man working in other departments would not come to you? A. He would not come to me; no.

Q. You were in the machine-shop?

A. I was in the machine-shop.

(Testimony of Fred Boyd.)

Q. When you were there at night-time in what capacity were you acting?

A. I had charge of the toolroom when I was there at night; I was working on the tools.

Mr. FRANK.—These that I do not offer now I am reserving for a subsequent offer. I am just setting them aside so that I can keep track of them.

Mr. McCLANAHAN.—You are not offering A6828?

Mr. FRANK.—I will offer them subsequently.

Mr. McCLANAHAN.—But not at this time?

Mr. FRANK.—Not at this moment.

Q. Now, I show you C6850, and ask you whether that is an order for material issued by you from the toolroom, or an order for a man to go to the storeroom and get it. A. Yes, sir, that is my order.

Q. Where is it issued from?

A. From the toolroom.

Q. You issued that yourself?

A. I issued that myself. The [769—680] file I gave them out of the toolroom.

Q. The file? A. Yes, sir.

Q. How about the 6/12 inch hack-saw blades?

A. I gave them those too.

Q. 5 gallons of gasoline?

A. They had to go to the storeroom for that.

Q. I show you C6853, and ask you whether that is an order for material issued by you from the toolroom, or an order for the man to go to the storeroom and get it. A. That is my order.

Q. Where is that issued from?

(Testimony of Fred Boyd.)

A. That is issued from the toolroom and they would get the material in the storeroom.

Q. I will show you C6854 and ask you whether that is an order for material issued by you from the toolroom, or an order for the man to go to the storeroom and get it.

A. That was issued from the toolroom on my order and they would go to the storeroom for the material.

Q. I will show you C6856, and ask you whether that is an order for material issued by you from the toolroom, or an order for him to go to the storeroom and get it.

A. This is an order that I made out.

Q. Where would it be issued from?

A. From the toolroom.

Q. From the toolroom? A. Yes, sir.

Q. Did you have gasoline in the toolroom?

A. I issued it from there, but they would go to the storeroom to get the gasoline.

Q. That is what I want to know. I want to know in each case where it was issued from. I will show you C6870, and ask you [770—681] whether that is an order for material issued by you from the toolroom, or an order for the man to go to the storeroom and get it.

A. That is my order and they would go to the storeroom to get the material.

Q. I will show you C6873 and ask you whether that is an order for material issued by you from the tool-

(Testimony of Fred Boyd.)

room, or an order for the man to go to the storeroom and get it.

A. They would go to the storeroom to get the material. This is my order.

Q. I will show you C6888, and ask you whether that is an order for material issued by you from the toolroom, or an order for the man to go to the storeroom and get it.

A. I made out the order and they would get the material in the storeroom.

Q. I will show you C6892, and ask you whether that is an order for material issued by you from the toolroom, or an order for the man to go to the storeroom and get it.

A. I made out the order and they got the material in the storeroom.

Q. I will show you C6895, and ask you whether that is an order for material issued by you from the toolroom, or an order for the man to go to the storeroom and get it.

A. I made out the order and they got the material in the storeroom.

Q. I will show you C6896, and ask you whether that is an order for material issued by you from the toolroom, or an order for the man to go to the storeroom and get it.

A. I made out the order and they got the material in the storeroom.

Q. I will show you A1658, and ask you whether that is an [771—682] order for material issued by you from the toolroom, or an order for the man to go

(Testimony of Fred Boyd.)

to the storeroom and get it.

A. I made out the order but they were in the storeroom and they added the other for whatever he needed.

Q. Did you issue any of the material?

A. I did the top part. The $\frac{2}{3}$ washers I did not issue.

Q. You issued all but the $\frac{2}{3}$ washers?

A. Yes, sir, all but the $\frac{2}{3}$ washers.

Mr. FRANK.—I offer that in evidence.

Mr. McCLANAHAN.—The same objection.

Mr. FRANK.—Q. I will show you A1671, and ask you whether that is an order for material issued by you from the toolroom, or an order for the man to go to the storeroom and get it.

A. That is my order; they got the material in the storeroom.

Q. I will show you A1673, and ask you whether that is an order for material issued by you from the toolroom, or an order for the man to go to the storeroom and get it.

A. That is my order and they got the material in the storeroom.

Q. I will show you A1677, and ask you whether that is an order for material issued by you from the toolroom, or an order for the man to go to the storeroom and get it.

A. That is my order; they got the material in the storeroom.

Q. I will show you A1690, and ask you whether that is an order for material issued by you from the

(Testimony of Fred Boyd.)

toolroom or an order for the man to go to the store-room and get it.

A. That is my order; they got the material in the storeroom. [772—683]

Q. I will show you A1655, and ask you whether that is an order for material issued by you from the toolroom, or an order for the man to go to the store-room and get it.

A. That is my order and they would get the material in the storeroom.

Q. I will show you A1694, and ask you whether that is an order for material issued by you from the toolroom, or an order for the man to go to the store-room and get it.

A. That is my order for material in the storeroom. [773—684]

Cross-examination.

Mr. McCLANAHAN.—Q. Who assigned to you the duty of issuing these stock orders?

A. The superintendent.

Q. Of the Works? A. Of the Works.

Q. Who was that? A. Mr. Williamson.

Q. Did you have the authority to issue them day or night, whenever they were brought to you?

A. Day or night, when I was there alone.

Q. When you were in the toolroom?

A. When I was in the toolroom.

Mr. FRANK.—He said “alone.”

The WITNESS.—Alone in the toolroom; that is when Mr. Robinson was not there.

Mr. McCLANAHAN.—Q. Mr. Robinson had

(Testimony of Fred Boyd.)

charge of the toolroom? A. Yes, sir.

Q. When he was not there you could issue them day or night?

A. I could issue them day or night.

Q. Orders for material to be used on the tank tops would come to you, would they not?

A. You say on the tank tops?

Q. Orders for material to be used on the tank tops would come to you, would they not?

A. Well, I don't know whether any came to me or not.

Q. But they would, properly?

A. On tank tops?

Q. Orders for material to be used on the tank tops.

A. Well, if there was a machinist working on it, it would, yes.

Q. Well, suppose the machinist was working on the tank tops and wanted candles for use on the tank top.

A. Well, I would give him the order if he needed them on the top.

Q. How would you know the job number to put on those cards? [774—685]

A. I would take all the job numbers out of a book which is in the shop on the table there and copy them down in my book.

Q. You would copy down the job numbers?

A. In my order-book.

Q. Anything else except the job numbers?

A. And put down what job it is.

Q. Well, the "Hilonian" job numbers, you would

(Testimony of Fred Boyd.)

copy down in your book?

A. Yes, and all the others.

Q. Anything else besides the job number?

A. Well, different parts of the job; that is, if different parts of the job had different numbers I would have that down too.

Q. Suppose a man came to you and wanted $2\frac{3}{4} \times 3$ inch bolts, how would you know the job number to put that to? Wouldn't he tell you?

A. He would give me the number, yes.

Q. And you would take his word for it, would you not?

A. Well, I would know he was working on the job.

Q. On what job?

A. On the "Hilonian" job; if he gave me the number I would know he was working on the job because I would not give the order unless I knew they were working on the job.

Q. But he would give you the job number?

A. He would give me the job number, yes.

Q. If the "Hilonian" had a number of job numbers you would take his word for the statement that the bolt is wanted for the job number that he mentioned?

A. In that instance, I would, yes.

Q. If he wanted fuse for 5295 you would take his word for it, would you not?

A. I would know on that; I would be sure of that.

Q. You are sure of what?

A. Sure of the job he was using the fuse on.

[775—686]

Q. What job number would he be using the fuse

(Testimony of Fred Boyd.)

on? A. For shooting out coupling bolts.

Q. On what job number?

A. Well, I don't remember the job number now but I knew at the time.

Q. Who is it that would come to you with these slips, the men working on the jobs?

A. The men working on the jobs.

Q. How would they know to come to you? Is that well known? A. That was well known.

Q. That you had charge of issuing these slips?

A. They knew that, yes.

Q. Did anybody else have charge of issuing slips to men in the machinist department for material?

A. Yes, there is others; the foreman issued the orders.

Q. Which foreman—of the machine-shop?

A. Mr. Adamson issued orders, and men in charge of their jobs issued orders.

Q. By "orders" you mean sign these slips that you signed, similar slips?

A. Similar slips to that I signed.

Q. Anybody else have authority, do you know?

A. Not that I know of.

Q. Of course the storekeeper would have authority, would he not? A. I think he has.

Q. What is that?

A. I think he has the authority.

Q. When the man would come to you for material that was in the storeroom you issued the order and gave it to the man and that is the last you knew of it, was it not? A. It generally was, yes.

(Testimony of Fred Boyd.)

Q. You presume that he went to the storeroom and got the order filled? A. Yes, sir. [776—687]

Redirect Examination.

Mr. FRANK.—Q. As I understand you, Mr. Boyd, in some instances you would know from the nature of the article asked for what job it must be used on? A. I would; yes.

Q. Any material that was used on the brasses, would you know what that material was for?

Mr. McCLANAHAN.—I object to that as improper redirect examination.

Mr. FRANK.—I will change the question, not because you are objecting to it but because I can get at the same thing in another way.

Q. Any material used for the brasses in your department—

A. I knew what that was for; yes.

Q. Any material used on brasses, you would know what that was for, would you?

Mr. McCLANAHAN.—I object to that as improper redirect examination, as irrelevant and immaterial.

A. Well, I knew the solder that is used on the brasses, I knew that was used on it, because that was used to tin the brasses and I saw them working on it.

Mr. FRANK.—Q. How about babbitting the brasses? What material would they use for that purpose?

Mr. McCLANAHAN.—The same objection.

A. They would use the babbitt, and that was material used at the shop, in the shop or babbitting-house

(Testimony of Fred Boyd.)

that they were in.

Mr. FRANK.—Q. And what material would they use for heating the brasses?

Mr. McCLANAHAN.—The same objection.

A. They would use the gasoline for that; that is what they used [777—688] the gasoline for.

Mr. FRANK.—Q. That is what they used the gasoline for. A. For heating the brasses.

Q. Were the shims in your department?

Mr. McCLANAHAN.—The same objection.

A. They kept the materials for making shims in the storeroom.

Mr. FRANK.—Q. I do not mean where they kept the material, but you would know any material that was used on the shims, what that material was going to be used for, from the nature of the material

Mr. McCLANAHAN.—The same objection.

A. Yes, I would know.

Mr. FRANK.—Q. What kind of iron do they use on the shims?

A. Well, they use Russian iron and tin.

Q. Well, if any Russian iron was used you would know what that would be used for?

Mr. McCLANAHAN.—The same objection.

A. I would know.

Mr. FRANK.—Q. The solder you have already explained.

A. I knew where they used the solder.

Q. Any material used on the links, would you know where that material, from the nature of the material, was called for?

(Testimony of Fred Boyd.)

A. Well, I am not sure of the links. If it was the babbitt I would know.

Q. What is that?

A. If it was babbitt used on it I would know.

Q. How about brass rivets?

Mr. McCLANAHAN.—I object to that as unintelligible.

Mr. FRANK.—Q. Would you know where brass rivets would be used? [778—689]

Mr. McCLANAHAN.—That is objected to as immaterial, irrelevant, incompetent, and not proper redirect examination.

A. As a rule, I would know, but I am not sure of those.

Mr. FRANK.—Q. The boring-bar, I understand you delivered that over yourself.

A. From the toolroom.

Q. And whatever was necessary to be used with the boring-bar, you would know that, would you?

Mr. McCLANAHAN.—Same objection.

A. I would know that.

[Testimony of Alfred Boyer, for Libelant.]

ALFRED BOYER, called for the libelant, sworn.

Mr. FRANK.—Q. Mr. Boyer, you worked in the United Engineering Works in August and September, 1909? A. Yes, sir.

Q. In what department? A. The toolroom.

Q. What were you doing, day or night work?

A. Night work.

Q. Night work? A. Yes, sir.

Q. Was all your work night work?

(Testimony of Alfred Boyer.)

A. All my work was night work.

Q. What were you doing in the toolroom?

A. I was making special tools for the job.

Q. Handing out tools also? A. Yes, sir.

Q. How did you keep your time?

A. Well, I had a yellow slip of paper, sort of order blank, with the number on it, and I would look at my watch when I would start on a job and when I would get through with the job I would take the time, and I would put down just how long I had been on it.

Q. On the job. A. Yes.

Q. I show you your card dated September 1, 1909, part of Adamson Exhibit No. 14, and ask you whether that is a card made out by you [779—690] at the time in the manner you have specified, and in your own handwriting.

Mr. McCLANAHAN.—I object to the question on the ground it is cumulative, the card being a part of Adamson Exhibit No. 14 already introduced and verified by the witness, and on the further ground that this examination is encumbering the record.

A. That is my card.

Mr. FRANK.—Q. Was that made out in the manner in which you have indicated? A. Yes, sir.

Q. I show you your card dated September 2d, part of Adamson Exhibit No. 14, and ask you whether that is a card made out by you at the time in the manner you have specified, and in your own handwriting.

Mr. McCLANAHAN.—The same objection.

A. Yes.

(Testimony of Alfred Boyer.)

Mr. FRANK.—Q. I show you your card dated September 3d, part of Adamson Exhibit No. 14, and ask you whether that is a card made out by you at the time in the manner you have specified, and in your own handwriting.

Mr. McCLANAHAN.—The same objection.

A. Yes, sir.

Mr. FRANK.—Q. I show you your card dated September 4th, part of Adamson Exhibit No. 14, and ask you whether that is a card made out by you at the time in the manner you have specified, and in your own handwriting.

Mr. McCLANAHAN.—The same objection.

A. Yes, sir.

Mr. FRANK.—Q. I show you your card of September 5th, part of Adamson Exhibit No. 14, and ask you whether that is a card [780—691] made out by you at the time in the manner you have specified, and in your own handwriting.

Mr. McCLANAHAN.—The same objection.

A. Yes, sir.

Mr. FRANK.—Q. I show you your card dated September 6th, part of Adamson Exhibit No. 14, and ask you whether that is a card made out by you at the time in the manner you have specified, and in your own handwriting.

Mr. McCLANAHAN.—The same objection.

A. Yes, sir.

Mr. FRANK.—Q. I show you your card dated September 7th, part of Adamson Exhibit No. 14, and ask you whether that is a card made out by you at

(Testimony of Alfred Boyer.)

the time in the manner you have specified and in your own handwriting.

Mr. McCLANAHAN.—The same objection.

A. Yes, sir.

Mr. FRANK.—Q. I show you a card dated September 8th, part of Adamson Exhibit No. 14, and ask you whether that is a card made out by you at the time in the manner you have specified and in your own handwriting.

Mr. McCLANAHAN.—The same objection.

A. Yes, sir.

Mr. FRANK.—Q. I show you your card dated September 9th, part of Adamson Exhibit No. 14, and ask you whether that is a card made out by you at the time in the manner you have specified and in your own handwriting.

Mr. McCLANAHAN.—The same objection.

A. Yes, sir. [781—692]

Mr. FRANK.—Q. I show you your card dated September 10th, part of Adamson Exhibit No. 14, and ask you whether that is a card made out by you at the time in the manner you have specified, and in your own handwriting.

Mr. McCLANAHAN.—The same objection.

A. Yes, sir.

Mr. FRANK.—Q. I show you your card dated August 29th, part of Adamson Exhibit No. 14, and ask you whether that is a card made out by you at the time in the manner you have specified, and in your own handwriting.

Mr. McCLANAHAN.—The same objection.

(Testimony of Alfred Boyer.)

A. Yes, sir.

Mr. FRANK.—Q. You see on this card there is a change; you had 12½ hours, and it is reduced to 12 hours; who made the change?

A. The timekeeper makes the change; he came around in the morning and made the change, I think.

Q. Did he talk to you about it? A. Yes, sir.

Q. Find out what the trouble was? A. Yes.

Q. Well, when he made the change, before he made it, what did you do and he do?

A. Well, it was my mistake; he came and told me about it and just changed it.

Q. How would he know whether you had made a mistake or not?

A. By punching the clock, the time clock.

Q. He would make an inquiry of you?

A. Yes, sir.

Q. When he did, how would you verify the fact whether you had made a mistake or not? Do you remember—if you do not remember, say so.

A. I do not remember.

Q. You know he would come and talk it over with you, would he? A. Yes, sir. [782—693]

Q. I show you your card dated August 30th, part of Adamson Exhibit No. 14, and ask you whether that is a card made out by you at the time in the manner you have specified, and in your own handwriting.

Mr. McCLANAHAN.—The same objection.

A. That is my card.

Mr. FRANK.—Q. The same thing happened on

(Testimony of Alfred Boyer.)

that? A. The same thing on that.

Q. I show you your card dated August 31st, part of Adamson Exhibit No. 14, and ask you whether that is a card made out by you at the time in the manner you have specified, and in your own handwriting.

Mr. McCLANAHAN.—The same objection.

A. That is the same thing on that.

Mr. FRANK.—Q. It is your card, too?

A. Yes, sir.

Q. I show you your card dated August 24th, part of Adamson Exhibit No. 12, and ask you whether that is a card made out by you at the time in the manner you have specified, and in your own handwriting.

Mr. McCLANAHAN.—The same objection.

A. This is my card.

Mr. FRANK.—Q. On the first hours worked there there is an erasure of the 3; is that in your own handwriting? A. Yes, sir.

Q. How about the job number, how was that changed? A. That is another job.

Q. How is that changed?

A. I was working half a day in the morning, and I had the wrong number on there, and he changed it.

Q. Well, when he would change the number, how would he do it? Would he come to you about it?

A. He would come to me about it. I worked half a day that day in the daytime.

Q. A half day in the daytime? A. Yes, sir.

Q. That is 4½ hours? A. Yes, sir. [783—694]

(Testimony of Alfred Boyer.)

Q. And the 12¹/₂ was overtime, was it?

A. Yes. That is when I started in in the night-time.

Q. I show you your card dated August 25th, part of Adamson Exhibit No. 12, and ask you whether that is a card made out by you at the time in the manner you have specified, and in your own handwriting.

Mr. McCLANAHAN.—The same objection.

A. That is my card. I don't remember what that change was.

Mr. FRANK.—Q. There don't seem to be any change, is there? Only divided up.

A. Only divided up a little bit.

Q. You must have been working a little bit in the daytime then; that is 9 hours straight.

A. That is 9 hours straight.

Q. You don't remember about that?

A. No, sir.

Q. I show you your card dated August 26th, part of Adamson Exhibit No. 12, and ask you whether that is a card made out by you at the time in the manner you have specified, and in your own handwriting.

Mr. McCLANAHAN.—The same objection.

A. That is my card.

Mr. FRANK.—Q. I show you your card dated August 27th, part of Adamson Exhibit No. 12, and ask you whether that is a card made out by you at the time in the manner you have specified, and in your own handwriting.

(Testimony of Alfred Boyer.)

Mr. McCLANAHAN.—The same objection.

A. That is the same.

Mr. FRANK.—Q. Your card also?

A. Yes, sir.

Q. I show you your card dated August 28th, part of Adamson Exhibit No. 12, and ask you whether that is a card made out by you at the time in the manner you have specified, and in your own handwriting.

Mr. McCLANAHAN.—The same objection.

A. That is my card. [784—695]

Mr. FRANK.—Q. Do you know what that change is on there? A. I don't remember.

Q. I show you your card dated September 2d, part of Adamson Exhibit No. 13, and ask you whether that is a card made out by you at the time in the manner you have specified, and in your own handwriting.

Mr. McCLANAHAN.—The same objection.

A. That is my card.

Mr. FRANK.—Q. I show you your card dated September 13th, part of Adamson Exhibit No. 13, and ask you whether that is a card made out by you at the time in the manner you have specified, and in your own handwriting.

Mr. McCLANAHAN.—The same objection.

A. That is my card.

Mr. FRANK.—Q. I show you your card dated September 14th, part of Adamson Exhibit No. 13, and ask you whether that is a card made out by you at the time in the manner you have specified, and in your own handwriting.

(Testimony of Alfred Boyer.)

Mr. McCLANAHAN.—The same objection.

A. That is my card.

Mr. FRANK.—Q. I show you your card dated September 15th, part of Adamson Exhibit No. 13, and ask you whether that is a card made out by you at the time in the manner you have specified, and in your own handwriting.

Mr. McCLANAHAN.—The same objection.

A. That is mine.

Mr. FRANK.—Q. I show you your card of September 16th, part of Adamson Exhibit No. 13, and ask you whether that is a card made out by you at the time in the manner you have specified, and in [785—696] your own handwriting.

Mr. McCLANAHAN.—The same objection.

A. That is mine.

Mr. FRANK.—Q. I show you your card dated September 17th, part of Adamson Exhibit No. 13, and ask you whether that is a card made out by you at the time in the manner you have specified, and in your own handwriting.

Mr. McCLANAHAN.—The same objection.

A. That is mine.

Mr. FRANK.—Q. I show you your card dated September 19th, part of Adamson Exhibit No. 13, and ask you whether that is a card made out by you at the time in the manner you have specified, and in your own handwriting.

Mr. McCLANAHAN.—The same objection.

A. Yes, sir.

(Testimony of Alfred Boyer.)

Cross-examination

Mr. McCLANAHAN.—Q. How old are you?

A. Twenty-one.

Q. Are you still working for the United?

A. Yes, sir.

Q. Not all of your work was night work, was it?

A. All of that work was night work.

Q. What do you mean by all of that work?

A. What I did at that time.

Q. Why were you working at night and not in the daytime?

A. I had to take charge of the toolroom at night.

Q. You had to take charge of the toolroom at night? A. Yes, sir.

Q. Did you have entire charge of the toolroom at night? A. Yes, sir.

Q. At that time? A. Yes sir.

Q. Anybody else working with you at that time?

A. No, sir. [786—697]

Q. Nobody else in the toolroom at that time?

A. No, sir.

Q. At night? A. No, sir.

Q. I call your attention to your cards of September 14, 15, 16 and 17, and ask you if you were working at night on those days?

A. Yes, I was working at night.

Q. Do you know why you were not credited with overtime, double time?

A. Straight time up to a certain hour.

Q. Straight time up to a certain hour?

A. Yes, sir.

(Testimony of Alfred Boyer.)

Q. That is 9 hours of straight time?

A. Yes, sir.

Q. All over that was double time?

A. Time and a half.

Q. I understand when you commenced to work on a job you took out your watch and looked at the time?

A. Yes, sir.

Q. And when did you note the time next?

A. When I would get through with the job and start on another job.

Q. So that if you looked at your watch at 7 o'clock and you finished the job and looked at it again and it was 9 o'clock, you would charge the job with two hours' work? A. Yes, sir.

Q. So that these cards here represent the actual time worked on each job number? A. Yes, sir.

Q. As shown by your watch? A. Yes, sir.

Q. The actual time? A. Yes, sir.

Q. In every case? A. Yes, sir.

Q. Sometimes you would make a mistake would you not, in putting down the time?

A. Not very often.

Q. Well, let us see. You made a mistake on August 28th, didn't you?

A. I don't remember whether I did.

Q. Your card shows a change in the time, doesn't it? A. It shows a change, yes. [787—698]

Q. Who made the change? A. The timekeeper.

Q. Well, he would not make a change if it was right, would he, if your time was right?

Mr. FRANK.—I submit that there is no change

(Testimony of Alfred Boyer.)

in the time he has charged; he is credited with exactly the amount of time he originally put it; it is simply divided.

Mr. McCLANAHAN.—I guess that is correct.

Q. Explain the card August 28th, please. You had down there, as I read it, originally 13½ hours. Now, the timekeeper has changed that to 12 hours and has given you an hour and a half in addition; what is that hour and a half?

A. That is for the overtime.

Q. So you—

A. I got an hour and a half overtime.

Q. So you worked how many hours on that job on that day? 12 hours or 13½ hours? A. 12.

Q. 12 hours? A. Yes, sir.

Q. Didn't you put down 13½ originally?

A. Yes, sir.

Q. Well, then, you made a mistake when you put down 13½, didn't you? A. Yes.

Q. That is what I thought.

Mr. FRANK.—I do not think so. You may get him to say so.

Mr. McCLANAHAN.—Q. I show you the card of August 27th; didn't you make a mistake in putting down the hours worked on that card?

A. I don't remember.

Q. Does not the card show that you made a mistake?

Mr. FRANK.—Let me see the card.

Mr. McCLANAHAN.—It is your exhibit, Mr. Frank.

(Testimony of Alfred Boyer.)

Mr. FRANK.—I understand. I want to see it for myself.

Mr. McCLANAHAN.—I have no objection to your seeing it. [788—699]

Q. Does not your card show you put down 12½ hours and it was changed by the timekeeper to 12 hours? Can't you answer that question?

A. I can't remember that at all.

Mr. FRANK.—That speaks for itself.

Mr. McCLANAHAN.—The witness has stated that he made very few mistakes and I am calling his attention to some of them.

Mr. FRANK.—I think there are.

Mr. McCLANAHAN.—Q. On August 26th didn't you make a mistake in putting down your time at 12½ hours? A. I don't remember that at all.

Q. On August 25th, from your watch examination you put down 12 hours of work, didn't you make a mistake when you did that?

Mr. FRANK.—No, I don't think he did.

Mr. McCLANAHAN.—Mr. Frank, that is a matter for redirect examination.

Mr. FRANK.—I do not think there is anything gained by bringing up an issue that is not a true issue, only makes so much more work.

Mr. McCLANAHAN.—Q. What about that; do you remember it? A. No, sir.

Q. On August 31 didn't you make a mistake when you put down 11½ hours as the time you worked on that job? A. I don't remember that.

Q. I am not asking whether you remember it, but

(Testimony of Alfred Boyer.)

you said that you made very few mistakes in putting down your time, and I am trying to refresh your memory by calling your attention to these cards in your own handwriting.

Mr. FRANK.—You are trying to argue it with the witness. [789—700]

Mr. McCLANAHAN.—Q. I call you attention to August 30th, and ask you if you did not make a mistake when you put down 12½ hours on that card as the actual time worked?

A. I don't remember that at all.

Q. I call your attention to August 29th, and ask you if you did not make a mistake when you put down 12½ hours as the work done on that job on that day?

A. I don't remember that.

(A recess was taken until 2 P. M.) [790—701]

AFTERNOON SESSION.

[**Testimony of William Hay, for Libelant.**]

WILLIAM HAY, called for the libelant, sworn.

Mr. FRANK.—Q. Mr. Hay, you were at work in the United Engineering Works in August and September, 1909? A. Yes, sir.

Q. In what capacity? A. I was crane-man.

Q. What were your duties in that capacity?

A. I was supposed to run up and down the shop on the crane and lift the jobs, put them in the machines, or anywhere they were wanted to be put.

Q. Did you keep a record of your time?

A. Yes, sir.

Q. How did you keep the record?

A. When the shop was busy and there were lots

(Testimony of William Hay.)

of jobs in the shop, I used to keep a small book and mark the time down from the time I went up in the crane on the job, and when I was finished with the job I marked that down. I divided up the jobs put together and marked down so much on each job whether I was 15 or 20 or 25 minutes or half an hour together. I would divide them all up together and whatever was on that certain job that I worked on I put that down on the one job.

Q. I think I understand you but the answer is a little involved.

A. It is pretty hard to tell, to take all of the jobs together.

Q. Where did you get the numbers of your jobs?

A. On the castings.

Q. Now, I show you a card of August 27th, part of "Adamson Exhibit No. 25," and ask you if that is a record kept by you in your own handwriting of the time put in on the several jobs on the day on which it bears date. [791—702]

Mr. McCLANAHAN.—I object to the question upon the ground that the card has been already identified by Adamson, and forms part of his exhibit No. 25, on the ground that it is cumulative, and on the ground that further examination on the card is encumbering the record.

Mr. FRANK.—If you admit it is fully proved by Mr. Adamson's testimony, of course I have no disposition to go any further with it.

Mr. McCLANAHAN.—You must remember you are offering these cards anew under a stipulation, and

(Testimony of William Hay.)

the stipulation is that my objection to the cards is that they are incompetent, irrelevant, immaterial, hearsay, self-serving, not binding on the respondent, is a part of the stipulation.

Mr. FRANK.—If you have that objection to them and you admit that the other is sufficiently proved it is cumulative. If it is not sufficiently proved it is not cumulative. If it is sufficiently proved I will drop it.

Mr. McCLANAHAN.—What we do suggest is that this method of proof, if you consider it better than the other, should have been the method first employed.

Mr. FRANK.—If that is so there is no objection to employing it now. (To the witness.) Go on.

A. Yes, sir, that is mine.

Q. I show you a card of August 26th, part of "Adamson Exhibit No. 25," and ask you if that is a record kept by you in your own handwriting, of the time put in on the several jobs on the day on which it bears date.

Mr. McCLANAHAN.—The same objection.

A. Yes, sir.

Mr. FRANK.—Q. I now show you a card of August 25th, part [792—703] of the same exhibit, and ask you if that is a record kept by you in your own handwriting of the time put in on the several jobs on the day on which it bears date.

Mr. McCLANAHAN.—The same objection.

A. Yes, sir.

Mr. FRANK.—Q. I now show you a card of August 28th, part of the same exhibit, and ask you if

(Testimony of William Hay.)

that is a record kept by you in your own handwriting, of the time put in on the several jobs on the day on which it bears date.

Mr. McCLANAHAN.—The same objection.

A. Yes, sir.

Mr. FRANK.—Q. I now show you a card of August 30th, part of “Adamson Exhibit No. 24,” and ask you if that is a record kept by you in your own handwriting, of the time put in on the several jobs on the day on which it bears date.

Mr. McCLANAHAN.—The same objection.

A. Yes, sir.

Mr. FRANK.—Q. I now show you a card of August 29th, part of the same exhibit, and ask you if that is a record kept by you in your own handwriting, of the time put in on the several jobs on the day on which it bears date.

Mr. McCLANAHAN.—The same objection.

A. Yes, sir.

Mr. FRANK.—Q. I show you now a card of August 31st, part of the same exhibit, and ask you if that is a record kept by you in your own handwriting, of the time put in on the several jobs on the day on which it bears date.

Mr. McCLANAHAN.—The same objection.

A. Yes, sir.

Mr. FRANK.—Q. I now show you a card of September 1st, [793—704] part of the same exhibit, and ask you if that is a record kept by you in your own handwriting, of the time put in on the several jobs on the day on which it bears date.

(Testimony of William Hay.)

Mr. McCLANAHAN.—The same objection.

A. Yes, sir.

Mr. FRANK.—Q. I now show you a card of September 2d, part of the same exhibit, and ask you if that is a record kept by you, in your own handwriting, of the time put in on the several jobs on the day on which it bears date.

Mr. McCLANAHAN.—The same objection.

A. Yes, sir.

Mr. FRANK.—Q. I show you now a card of September 3d, part of the same exhibit, and ask you if that is a record kept by you in your own handwriting, of the time put in on the several jobs, on the day on which it bears date.

Mr. McCLANAHAN.—The same objection.

A. Yes, sir.

Mr. FRANK.—Q. I show you now a card of September 4th, part of the same exhibit, and ask you if that is a record kept by you in your own handwriting, of the time put in on the several jobs on the day on which it bears date.

Mr. McCLANAHAN.—The same objection.

A. Yes, sir.

Mr. FRANK.—Q. I now show you a card of September 5th, part of the same exhibit, and ask you if that is a record kept by you in your own handwriting, of the time put in on the several jobs on the day on which it bears date.

Mr. McCLANAHAN.—The same objection.

A. Yes, sir.

Mr. FRANK.—Q. I now show you a card of Sep-

(Testimony of William Hay.)

tember 6th, [794—705] part of the same exhibit, and ask you if that is a record kept by you in your own handwriting, of the time put in on the several jobs on the day on which it bears date.

Mr. McCLANAHAN.—The same objection.

A. Yes, sir.

Mr. FRANK.—Q. I show you now a card of September 7th, part of the same exhibit, and ask you if that is a record kept by you in your own handwriting, of the time put in on the several jobs on the day on which it bears date.

Mr. McCLANAHAN.—The same objection.

A. Yes, sir.

Mr. FRANK.—Q. I show you now a card of September 8th, part of the same exhibit, and ask you if that is a record kept by you in your own handwriting, of the time put in on the several jobs on the day on which it bears date.

Mr. McCLANAHAN.—The same objection.

A. Yes, sir.

Mr. FRANK.—Q. I now show you a card of September 9th, part of the same exhibit, and ask you if that is a record kept by you in your own handwriting, of the time put in on the several jobs on the day on which it bears date.

Mr. McCLANAHAN.—The same objection.

A. Yes, sir.

Mr. FRANK.—Q. I now show you a card of September 10th, part of the same exhibit, and ask you if that is a record kept by you in your own handwriting, of the time put in on the several jobs on the day

(Testimony of William Hay.)

on which it bears date.

Mr. McCLANAHAN.—The same objection.

A. Yes, sir.

Mr. FRANK.—Q. I now show you a card of September 16th, [795—706] part of “Adamson Exhibit No. 23,” and ask you if that is a record kept by you in your own handwriting, of the time put in on the several jobs on the day on which it bears date.

Mr. McCLANAHAN.—The same objection.

A. Yes, sir.

Mr. FRANK.—Q. I now show you a card of September 13th, part of the same exhibit, and ask you if that is a record kept by you in your own handwriting, of the time put in on the several jobs on the day on which it bears date.

Mr. McCLANAHAN.—The same objection.

A. Yes, sir.

Mr. FRANK.—Q. I now show you a card of September 14th, part of the same exhibit and ask you if that is a record kept by you in your own handwriting of the time put in on the several jobs on the day on which it bears date.

Mr. McCLANAHAN.—The same objection.

A. Yes, sir.

Mr. FRANK.—Q. I now show you a card of September 20th, part of the same exhibit, and ask you if that is a record kept by you in your handwriting, of the time put in on the several jobs on the day on which it bears date.

Mr. McCLANAHAN.—The same objection.

A. Yes, sir.

(Testimony of William Hay.)

Mr. FRANK.—Q. I now show you a card of September 21st, part of the same exhibit, and ask you if that is a record kept by you in your own handwriting, of the time put in on the several jobs on the day on which it bears date.

Mr. McCLANAHAN.—The same objection.

A. Yes, sir.

Mr. FRANK.—Q. I notice on some of these cards simply [796—707] the word “crane,” and then again for other jobs, some special business like “Repairing belts, shop.” Those are all shop numbers, but on other than shop numbers there appears “Getting old material together.” Look at that word. Is it “old”? A. Yes, sir, that is the old castings.

Q. “Helping on eccentrics.” What would that be?

A. That would be on the floor, helping on the machines.

Q. The distinction is when you are up in the crane you would simply put down “crane”; is that it?

A. Yes, sir, put down crane.

Q. When you were upon the floor you would put down the particular thing you were doing on the floor?

A. On the floor. I generally put that down, and the timekeeper and Mr. Adamson would come and find out from me all the jobs on the crane. They would come and see if I was on other jobs.

Cross-examination.

Mr. McCLANAHAN.—Q. You are still working for the United Engineering Works?

(Testimony of William Hay.)

A. Yes, sir.

Q. And have been for how long?

A. Since 1905, with one year off.

Q. Do you remember this work on the "Hilonian"? A. Yes, sir.

Q. How many hours constituted a day's work at that time?

A. I could not say for certain. If I knew the date of the time that we started $8\frac{3}{4}$, I might remember, but I don't remember the date at the present time. I don't remember at all. If I knew the date it would be all right, but I don't remember the date at all.

Q. Would an examination of your cards help you in that matter, [797—708] to tell me how many hours constituted a day's work at that time?

A. It is 9 hours there. (Pointing.)

Q. I am not referring to any particular card. I want you to answer my question if you can by refreshing your memory from an examination of the cards, all of them. Do you know what the question is?

A. Yes, sir, I worked nine hours, or whatever time it was. (After examination.) They are all 9 hours. They are all 9 hours there.

Q. That does not answer my question.

A. I don't remember if we were working $8\frac{3}{4}$ hours at that time or $8\frac{1}{2}$.

Q. Were you working 9 hours? How long have you been working 8 hours?

A. If I knew that I would be all right but I don't remember.

(Testimony of William Hay.)

Mr. FRANK.—We will give you all that detail.

Mr. McCLANAHAN.—Q. Do the cards assist your memory?

A. No, sir, the cards do not assist my memory at all. I have got the 9 hours down here, and I do not remember whether we were working the 9 hours or $8\frac{1}{2}$ or whatever it was. I don't remember at the present time.

Q. So you cannot say now that the cards show the exact number of hours that you worked on each piece?

A. Yes, sir, by taking the clock—I generally take them off of the clock, and when I finished the job I put it down. If we were working on $8\frac{1}{4}$ or $8\frac{1}{2}$ I generally count up the time on the different jobs, and we are supposed to put down whatever number of hours we were on the job, and then I marked that down.

Q. Marked what down?

A. The time I was on the jobs.

Q. I know that, but suppose you have got on one card a number of jobs whose aggregate hours make 9 hours, and suppose as a [798—709] matter of fact on that day you only worked $8\frac{1}{2}$?

A. We divided up that half an hour.

Q. How did you divide it up?

A. I put so much on one job, and it was divided up. If it was on two or three jobs I divided it up.

Q. I thought you told counsel on your direct examination that when you commenced a job you looked at the clock? A. Yes, sir.

(Testimony of William Hay.)

Q. And when you finished a job you looked at the clock? A. Yes, sir.

Q. Did you not put down the time you were working on that job here? A. Yes, sir.

Q. On the card? A. No, sir.

Q. Whereabouts? A. On a small book.

Q. And copied from the book on to the card?

A. Yes, sir.

Q. What about your explanation now of dividing up this possible half an hour of time that you did not work?

A. I generally put so much on one job and so much on another. If I was a long time on one job I would put that on the biggest job.

Q. Put what. The half hour? A. Yes, sir.

Q. If that was a half hour? A. Yes, sir.

Q. You would put that on the biggest job?

A. Not always. I might put a quarter of an hour on one job and a quarter of an hour on another.

Q. Can you at this time look at any of your cards and tell me how you divided up this half hour of time that you did not work?

A. That is a pretty hard job now. I could not exactly tell you that now.

Q. Let me ask you, do you remember doing that now? [799—710]

A. I remember most of it, anyhow. I remember that I used to do that anyhow.

Q. Do you remember that at that time you did that, that is, you divided up surplus time among the jobs that you were working on?

(Testimony of William Hay.)

A. That is, if I were on the $8\frac{1}{2}$ hours at that time.

Q. If you were?

A. If I were on the $8\frac{1}{2}$ hours at that time.

Q. Or if you were on the $8\frac{1}{4}$ hours you would do it?

A. I don't think we were on $8\frac{1}{4}$ at that time. I am sure we were not.

Q. So, you have some recollection?

A. I have some recollection so far, but I don't remember exactly the exact date. I cannot remember.

Q. Cannot your recollection assist you in saying it was not 9 hours that would constitute a day's work at that time? A. I could not say.

Q. These cards and the time put on them are for the purpose of determining your wage, are they not?

A. Yes, sir.

Q. Is there any card there that you can recognize as one where there was a division of this surplus time, if there was any surplus time at that time?

A. I should say that it would take me all my time to remember that now.

Q. Let me call your attention to the card of August the 28th. There is a card where there is a change of 9 hours straight, is it not?

A. Yes, sir, 9 hours straight.

Q. Do you remember dividing that time at all?

A. I could not say, I am sure.

Q. Was this question of how you should divide the time that [800—711] you did not work among the jobs left entirely to you?

(Testimony of William Hay.)

A. You mean the time I was supposed to put down here?

Q. Yes.

A. Yes, sir, I put all my time down here that I worked on the jobs. I put every hour down there that I was really working on the job.

Q. Let us take this card of August 28th, the first number is 5311, one hour's work? A. Yes, sir.

Q. I understand you get at that one hour by taking out your clock when you first commence to work?

A. Yes, sir.

Q. And taking it out when you finished it and found that was an hour, is that right?

A. Yes, sir.

Q. And ultimately it was put down on the card one hour? A. Yes, sir.

Q. You commence on another job, 4858?

A. Yes, sir.

Q. You looked at the time then? A. Yes, sir.

Q. And looked at the time when you finished work on that job? A. Yes, sir.

Q. And found it to be 3 hours?

A. If it was close to it I would put the 3 hours down.

Q. Then later on you commenced on another job, 5295, you looked at your watch? A. Yes, sir.

Q. And then when you had finished work on that job you looked at your watch again and found it was 4 hours? A. No, sir, on this job here.

Q. What are you pointing to?

A. The two jobs here.

(Testimony of William Hay.)

Q. Name them so that the record will show.

A. 4858 and 5295. It may be on this engine one hour.

Q. That is on 4858?

A. Yes, sir. I may have to move over to some of those jobs here, connecting-rods, slides, eccentrics.

Q. Refer to it by the number.

A. 5295. I may work on [801—712] that half an hour and I move back again, possibly back to the engine again.

Q. 4858?

A. 4858. I may be there 15 or 20 minutes and then back to 5295 again and so on.

Q. But in the end the aggregate of time expended on 5295 was 4 hours?

A. Yes, sir, the nearest approach that I could put it.

Q. Now, you come to 243, the last number on the card. A. Yes, sir.

Q. The aggregate of the time you put on that card was one hour? A. Always for one hour.

Q. So that the aggregate of the four jobs would be 9 hours. A. Yes, sir.

Q. Suppose you were only working 8½ hours that day, what are you going to do about it?

A. I would put it together on the one job, and I could not exactly say how I fixed that at all, to tell the truth; to tell the truth I could not. I used to put them on one, or perhaps on two, I don't remember exactly how we worked it, I could not.

Q. At any rate it was left to your discretion which

(Testimony of William Hay.)

job would be saddled with this extra time.

A. Yes, sir, that is the way it was. That is a pretty hard one on me. The crane work is so long on one job, and it is a pretty hard thing to keep time.

Q. Is there any way of your ascertaining for me the time when the trade agreement went into effect?

Mr. FRANK.—You need not trouble yourself about that. We will produce that. We have nothing to hide in this business.

Mr. McCLANAHAN.—Q. Answer my question without paying any attention to the interruption.
[802—713]

A. What was your question?

Q. Read the question, Mr. Reporter.

(The Reporter reads the question.)

A. If I got the date I might remember.

Q. I say, could you get the date?

A. I don't think I can.

Q. This was an agreement that affected all the employees of the United Engineering Works, was it not? A. I guess so.

Q. Don't you know so?

A. Every branch I guess was the same as we were—yes, it was.

Redirect Examination.

Mr. FRANK.—Q. It affected all of the iron workers all over the State of California, did it not?

A. No, sir.

Q. All about the bay? A. Yes, sir.

Q. All the different iron workers about the bay?

A. No, sir, not to all California.

(Testimony of William Hay.)

Q. Not all over the state, but all around the bay?

A. Yes, sir.

Q. I understand by some means when that went into effect you made a distribution between the different jobs of the extra half hour, whatever it was?

A. Yes, sir.

Q. You tried to do that fairly?

A. I tried to do that fairly. I did.

Q. You did not saddle one job with any more than its due proportion? A. No, sir.

Q. You were paid, however, on a 9-hour day?

A. On a 9-hour day.

Q. That was the rule?

A. That was the rule of the shop. [803—714]

[Testimony of H. G. Strowenjans, for Libelant.]

H. G. STROWENJANS called for the libelant, sworn.

Mr. FRANK.—Q. You were at work in the United Engineering Works in August and September, 1909? A. I was.

Q. In what department?

A. In the machine-shop.

Q. As a machinist? A. Yes, sir, as a machinist.

Q. What were you doing? Were you working in the daytime or night-time?

A. In the night-time.

Q. In the night-time always?

A. Most of the time.

Q. I show you a card dated September 11th, being part of "Adamson Exhibit 17," and ask you whether that is a card made out by you at that time as a rec-

(Testimony of H. G. Strowenjans.)

ord of your time.

Mr. McCLANAHAN.—I object to the question on the ground that the card has already been identified by Adamson, and forms part of his exhibit No. 17, on the ground that it is cumulative and on the ground that further examination on the card is encumbering the record. A. Yes, sir, that is my time-card.

Mr. FRANK.—Q. How did you get your job numbers, Mr. Strowenjans?

A. We had the job numbers on slips of paper handed to us by the foreman when it was given to us, or in case of jobs requiring a sketch or drawing it was on the sketch or drawing, or in case of large pieces they were written on there with chalk or white lead painted on.

Q. How did you keep the record of the number of hours worked by you on each job?

A. I was at all times running a large machine. There was a certain portion of that machine that I wrote the number on in chalk. At the close of the evening I would take them from my writings in chalk and put them on [804—715] the time-card.

Q. Did you note the time when you began, and when you finished each job?

A. Yes, sir, we did not note the time that we began, and the time that we finished, but the number of hours that we worked on that job.

Q. You put down the number of hours?

A. Yes, on the machine.

Q. On the machine? A. On the machine.

Mr. FRANK.—I offer that in evidence.

(Testimony of H. G. Strowenjans.)

Mr. McCLANAHAN.—I object to it on the ground that it is incompetent, irrelevant, immaterial, hearsay, self-serving, not binding on the respondent.

Mr. FRANK.—Q. I now show you a card dated September 9th, being part of Adamson Exhibit 17, and ask you whether that is a card made out by you at that time as a record of your time.

Mr. McCLANAHAN.—The same objection.

A. Yes, sir.

Mr. FRANK.—Q. I show you a card dated September 8th, being part of Adamson Exhibit 17, and ask you whether that is a card made out by you at that time as a record of your time.

Mr. McCLANAHAN.—The same objection.

A. Yes, sir, that is my card.

Mr. FRANK.—Q. I show you a card dated September 6th, being part of Adamson Exhibit 17, and ask you whether that is a card made out by you at that time as a record of your time.

Mr. McCLANAHAN.—The same objection.

A. Yes, sir.

Mr. FRANK.—Q. I show you a card dated September 5th, being part of Adamson Exhibit 17, and ask you whether that is a card made out by you at that time as a record of your time. [805—716]

Mr. McCLANAHAN.—The same objection.

A. Yes, sir.

Mr. FRANK.—Q. I show you a card dated September 4th, being part of Adamson Exhibit 17, and ask you whether that is a card made out by you at

(Testimony of H. G. Strowenjans.)

that time as a record of your time.

Mr. McCLANAHAN.—The same objection.

A. Yes, sir, that is my card.

Mr. FRANK.—Q. I show you a card dated September 3d, being part of Adamson Exhibit 17, and ask you whether that is a card made out by you at that time as a record of your time.

Mr. McCLANAHAN.—The same objection.

A. That is my card.

Mr. FRANK.—Q. I show you a card dated September 2d, being part of Adamson Exhibit 17, and ask you whether that is a card made out by you at that time as a record of your time.

Mr. McCLANAHAN.—The same objection.

A. That is my card.

Mr. FRANK.—Q. I show you a card dated September 1st, being part of Adamson Exhibit 17, and ask you whether that is a card made out by you at that time as a record of your time.

Mr. McCLANAHAN.—The same objection.

A. The date is changed on that. It is written underneath.

Mr. FRANK.—Q. It is August 31st?

A. August 31st.

Q. Is the change made by you?

A. Yes, sir, that is my card.

Q. I show you a card dated August 30th, being part of Adamson Exhibit 17, and ask you whether that is a card made out by you at that time as a record of your time.

Mr. McCLANAHAN.—The same objection.

(Testimony of H. G. Strowenjans.)

A. That is my card. [806—717]

Mr. FRANK.—Q. I show you a card dated August 29th, being a part of “Adamson Exhibit No. 17,” and ask you whether that is a card made out by you at that time as a record of your time.

Mr. McCLANAHAN.—The same objection.

A. That is my card.

Mr. FRANK.—Q. I show you a card dated September 14th, being part of “Adamson Exhibit No. 17,” and ask you whether that is a card made out by you at that time as a record of your time.

Mr. McCLANAHAN.—The same objection.

A. That is my card.

Mr. FRANK.—Q. I show you a card dated September 12th, being a part of “Adamson Exhibit No. 16,” and ask you whether that is a card made out by you at that time as a record of your time.

Mr. McCLANAHAN.—The same objection.

A. That is my card.

Mr. FRANK.—Q. I show you a card dated September 13th, being a part of “Adamson Exhibit No. 16,” and ask you whether that is a card made out by you at that time as a record of your time.

Mr. McCLANAHAN.—The same objection.

A. That is my card.

Mr. FRANK.—Q. I show you a card dated September 14th, being a part of “Adamson Exhibit No. 16,” and ask you whether that is a card made out by you at that time as a record of your time.

Mr. McCLANAHAN.—The same objection.

A. That is my card. [807—718]

(Testimony of H. G. Strowenjans.)

Mr. FRANK.—Q. I show you a card dated August 28th, being part of “Adamson Exhibit No. 15,” and ask you whether that is a card made out by you at that time as a record of your time.

Mr. McCLANAHAN.—The same objection.

A. That is my card.

Mr. FRANK.—Q. I show you a card dated August 27th, being part of “Adamson Exhibit No. 15,” and ask you whether that is a card made out by you at that time as a record of your time.

Mr. McCLANAHAN.—The same objection.

A. That is my card.

Mr. FRANK.—Q. Were all these cards made out, Mr. Strowenjans, in the manner you have testified to in the first part of this examination? A. Yes, sir.

Cross-examination.

Mr. McCLANAHAN.—Q. Did you use a time piece, Mr. Strowenjans, to keep your time?

A. No, sir, there was a clock at the head of the shop that we were all facing.

Q. I call that a time piece, don't you?

A. Yes, sir.

Q. You would look at the time piece when you would commence, as I understand your evidence?

A. Yes, sir.

Q. And you would look at the time piece when you finished? A. Yes, sir.

Q. The result of your two looks would be put on the lathe or the plate on the machine or whatever it was? A. Yes, sir.

(Testimony of H. G. Strowenjangs.)

Q. That is, if you commenced at 7 o'clock and you finished at 9 o'clock, you would put down 2 hours?

A. Yes, sir.

Q. And it was from this plate on your machine that you made the copy on to these cards?

A. Yes, sir.

Q. Of the time? A. Yes, sir. [808—719]

Q. So that the card represents the actual time worked on each job, is that correct?

A. Except where we worked $8\frac{3}{4}$ hours we put 9 hours on for a full day, or $8\frac{1}{2}$, we put 9 whatever that was.

Q. Let us take an illustration: you were working on job 4858, say, and worked on that job for 4 hours, and you would put that on your card?

A. 4 hours.

Q. Now, you take up another job, 5295, and you work on that job for 5 hours and you put that on your card, and you do no more work. Suppose, as a matter of fact, for that day you have only done $8\frac{1}{2}$ hours of work, how can you trace on that card the difference?

A. We would have to divide the number of hours card to make up the regular working day for which we were paid, and divide the amount of hours between the two different jobs in proportion to the time that we worked on the different jobs.

Q. That is, if you worked less than 9 hours during the day this difference between the time you did work and the 9 hours would be apportioned by you among the several jobs that you were working on?

(Testimony of H. G. Strowenjans.)

A. Yes, sir.

Q. When would this apportionment be made?

A. In the evening, or at the end of the work.

Q. At the end of the work?

A. When I had finished the day's work. I was working nights.

Q. At the end of the day? A. Yes, sir.

Q. At the end of your day?

A. At the end of my day.

Q. I thought you said you put down on the card when you finished on that particular job the number of hours worked on it from your machine?

A. Yes, sir, I did. I put it on the machine and the number of hours worked but I added also the [809—720] time divided between the different jobs.

Q. You say this division business was made at night after you had finished work on several jobs, say? A. It was.

Q. Then how could you make a division that would be applicable to the job that was commenced in the first part of the night and finished in the first part of the night before you took up the other job?

A. I don't understand what you mean.

Q. Let me explain. You have got a card here, say, that has three numbers on it? A. Yes, sir.

Q. You worked one hour on the first number as shown by the card, you worked two hours on the second number as shown by the card, and you worked six hours on the third number as shown by the card. Now, if you were working less than 9 hours that day there is a period of time there that has got to be

(Testimony of H. G. Strowenjans.)

apportioned among those three numbers, has it not?

A. Yes, sir.

Q. Now, you say you make that apportionment at night after you have finished with all three of the jobs? A. Yes, sir.

Q. You also say that when you have finished job No. 1, this hypothetical job No. 1, on which you worked one hour, you put that down on your card, is that correct?

A. I mean, I put it down on the machine and put it on the card finally when I have finished with the added time allowed for that hour's work.

Q. You do not mean then that you transfer it from the machine to the card after the work is finished on that first number?

A. I transfer it from the machine to the card at the close of my working day.

Q. Not before?

A. Not before, the total time for all of the different jobs. [810—721]

Q. Suppose you were working on three jobs one day on which the hours worked according to the card were one, 2 and 6, respectively. As a matter of fact, your day's work was only 8½ hours. Tell me how you would at the end of the day apportion it among those three jobs.

A. I could not tell you how I did apportion it.

Q. Tell me how you would apportion it if that hypothetical question was a fact. You were working 8½ hours?

Mr. FRANK.—Give him a chance to answer.

(Testimony of H. G. Strowenjans.)

Mr. McCLANAHAN.—Q. I want it to be perfectly clear. You were working $8\frac{1}{2}$ hours on this day, you had three job numbers on which you worked, the first one 1 hour according to your card, the second one 2 hours according to your card, and the third one 6 hours according to your card? A. Yes, sir.

Q. How would you apportion that half hour among those three jobs?

A. In charging time there it was customary with me not to charge any time to any particular job unless I worked a majority of 15 minutes on that job, and I did the same in figuring out this one. With one hour you would only be allowed $\frac{1}{9}$ of the extra half hour which would not be 15 minutes, so that a one-hour job would not get anything of surplus time.

Q. What did you do with the two-hour and the six-hour jobs?

A. I divided it between the balance of them.

Q. You would give the two-hour job $\frac{1}{3}$ and the six-hour job $\frac{2}{3}$ —is that it?

A. Yes, sir; about that.

Q. What kind of a card would you make out at the end of the day on that computation?

A. State your question a little more clearly. I do not understand what you mean. [811—722]

Q. I confess I do not understand you. What would be the actual time, Mr. Strowenjans, worked on those three jobs under your explanation?

A. You mean when the card shows 1, 2 and 6 hours?

Q. Yes, on three different job numbers. You have

(Testimony of H. G. Strowenjans.)

eliminated the first one, the one hour. What would be the actual time shown on the two remaining according to your calculation if you were working only 8½ hours a day?

A. The card will show 1, 2 and 6 hours. You want to get at the actual time worked on those different jobs?

Q. Yes, according to your calculation. Do you want a pencil?

Mr. FRANK.—Let the witness alone.

Mr. McCLANAHAN.—I am trying to assist the witness.

A. That is all right. I don't want the pencil.

Q. You don't want the pencil. All right.

Mr. FRANK.—When you get done with the question there is an end to it. Let the witness have a chance to answer.

Mr. McCLANAHAN.—All right.

Q. Answer the question without my pencil, Mr. Strowenjans.

A. It is customary there, and has been customary with us to not charge any amount of time less than 15 minutes. We went by a quarter, half and three-quarters of an hour in charging our time. We did not subdivide the hours into smaller fractions than that.

Q. You just told me a little while ago you divided your half hour between the two hour and the six-hour job; is that correct?

Mr. FRANK.—Finish your answer Mr. Strowenjans, as you have started.

(Testimony of H. G. Strowenjans.)

A. I don't know how I did charge that time. Were it up to me again I would charge the surplus half hour to [812—723] the six-hour job. I don't know how I did it.

Q. If you had it to do now you would say that that is the way it would be done? A. Yes, sir.

Q. The six-hour job would be charged with the half hour of extra work which did not represent any labor at all; is that correct?

Mr. FRANK.—What is the use of your arguing with the witness?

Mr. McCLANAHAN.—Q. Is that correct, Mr. Strowenjans?

A. I don't know as I could answer that question.

Mr. McCLANAHAN.—Q. I have simply attempted to interpret your answer. Is my interpretation correct? I want to know whether the half hour which does not represent any work would be charged to the six-hour job?

Mr. FRANK.—I object to the whole examination on that line because it appears that the witness says he does not know how he did it on that occasion, but he is simply testifying as to what he would do now if he had to do it again, which is immaterial.

Mr. McCLANAHAN.—Q. Answer the question, Mr. Strowenjans.

Mr. FRANK.—I object to any further examination on that line on that ground.

Mr. McCLANAHAN.—Read the question to the witness, Mr. Reporter.

A. Repeat the question.

(Testimony of H. G. Strowenjans.)

(The Reporter reads the question.)

I told you once before that I would do that now if it were up to me again. I don't know how I did at that time.

Q. No one had any supervision over your method of apportioning this time which did not represent labor? [813—724]

A. If they did I was not told of it personally.

Q. You made the apportionment yourself, did you? A. Yes, sir.

Q. Do you remember now what number of hours constituted a day's work at that time?

A. No, sir, I do not.

Q. Are you still working for the United?

A. I am not.

Q. Your cards, then, Mr. Strowenjans, do not represent the actual number of hours worked on the particular jobs?

Mr. FRANK.—I object to your arguing with the witness. You can argue that to the Court if you want to.

Mr. McCLANAHAN.—Q. Answer the question.

A. It did not at the time we were working a shorter work day, and the rate of pay was figured on the 9-hour basis.

Q. So that if you were working 8½ hours at that time the cards do not represent the actual time worked on the jobs? A. They do not.

Q. The cards were really on the question of time more for your pay. You were paid by the 9 hours?

A. Yes, sir.

(Testimony of H. G. Strowenjans.)

Redirect Examination.

Mr. FRANK.—Q. Mr. Strowenjans, I understood you to say that a 15 minutes work upon any particular job was not charged? A. 15 minutes?

Q. Yes. A. Nothing less than 15 minutes.

Q. Nothing less than 15 minutes?

A. Nothing less than 15 minutes.

Q. Therefore, if by the clock time you had been working on one job—take the illustration the gentleman has given you: supposing on one job you had been working for 40 minutes actual time, and on another job one hour and 50 minutes, and on another job for 5 hours and 50 minutes, would not the 30 minutes [814—725] naturally be absorbed in the time that was written down?

Mr. McCLANAHAN.—I object to the question as being unintelligible and suggestive if intelligible.

Mr. FRANK.—If it is unintelligible it is not suggestive.

Q. In other words, the 50 minutes would go down naturally as one hour, would it not?

A. You could not prove by me what I would do at that time.

Q. I do not know if I can or not. I am trying to find out from your statement. You charge nothing less than 15 minutes?

A. The majority of 15 minutes I said.

Q. If you worked 50 minutes on a job how would that go down?

A. As a rule, if I were charging up the time now, it would be three-quarters of an hour.

(Testimony of H. G. Strowenjans.)

Q. Three-quarters of an hour?

A. Yes, sir, actual time.

Q. If it were 55 minutes how would you charge it up? A. One hour.

Q. If it were one hour and 50 minutes how would you charge it up?

A. An hour and three-quarters; that is actual time. I would write it down.

Q. If it were an hour and 55 minutes how would you charge it? A. Two hours.

Q. Now, by that means, would not the extra half hour naturally be absorbed in the fraction of time thus charged up during the day in a great many cases?

A. I don't understand what you mean by that question.

Q. You put in actually an hour and 55 minutes, and you charge that two hours? A. Yes, sir.

Q. There is 5 minutes absorbed, is there not?

A. Yes, sir.

Q. You worked for 55 minutes and charge that an hour? A. Yes, sir. [815—726]

Q. There is another 5 minutes absorbed, is there not? A. Yes, sir.

Q. So there is 10 minutes right there accounted for out of the extra half hour on your card?

A. Yes, sir.

Q. If you have a large number of small jobs the whole half an hour would be absorbed in that way, would it not? A. Yes, sir.

Q. When you made your distribution among the

(Testimony of H. G. Strowenjans.)

different jobs, did you make any attempt to saddle it on any particular job or attempt to distribute it fairly among the jobs?

A. I attempted to distribute it fairly among the jobs.

Q. Each job was to get its fair proportion of this extra time charged up to it? A. Yes, sir.

Q. I understand you to say that your pay was based on the 9 hours a day? A. Yes, sir.

Q. But you do not know whether or not this condition existed at the time the particular work here in question was under way?

A. I don't remember what hours we were working on, what length of day.

Recross-examination.

Mr. McCLANAHAN.—Q. Suppose, Mr. Strowenjans, you had six jobs and on the first one you worked 2 hours and 50 minutes. You say you charge that job actual time 2 hours and 45 minutes?

A. Yes, sir.

Q. So there is a loss of 5 minutes, is there not?

A. Yes, sir.

Q. Suppose in the next job you work 2 hours and 50 minutes, you charge that job with the actual time, 2 hours and 45 minutes. Is that not so, the same thing? [816—727]

A. If that occurred two or three times within the one day, of course we would change the apportionment.

Q. You would change the apportionment, so it does not always follow you are going to add to the

(Testimony of H. G. Strowenjans.)

time worked on a particular job. You may deduct from the job? A. We may.

Q. You have also said that you attempted to apportion this fairly among the jobs. Do you remember my hypothetical question to you about the 1, 2 and 6 hours where you said you would throw the 30 minutes to the six hours? Do you think that is a fair apportionment?

A. Inasmuch as we did not charge any amount of time less than 15 minutes we could not very well change the apportionment.

Q. So that is your idea of a fair apportionment?

A. Yes, sir. [817—728]

[Testimony of S. M. Robinson, for Libelant.]

S. M. ROBINSON, called for the libelant, sworn.

Mr. FRANK.—Q. Mr. Robinson, you were engaged in the United Engineering Works in August and September, 1909, were you not?

A. Yes, sir.

Q. In what capacity?

A. Foreman of the toolroom.

Q. In that capacity, Mr. Robinson, did you issue orders for materials? A. Yes, sir.

Q. Did you also give out materials from the toolroom? A. Yes, sir.

Q. When you issued orders for material, how did you issue them?

A. On a yellow slip, on an order-book; order-book, it is.

Q. How would the application come to you for the material?

(Testimony of S. M. Robinson.)

A. Well, sometimes the order would come to me written; other times verbally.

Q. If it came to you written it would have the signature of the man ordering it, would it not?

A. Yes, sir.

Q. Now, Mr. Robinson, I show you stock order card C4000 and ask you what that is.

A. Do you wish me to read it off?

Q. No; whether or not it is a stock order card issued by you? A. Yes; that is a stock order card.

Q. Issued by you? A. Yes.

Q. On the date which it bears? A. Yes, sir.

Q. Under what circumstances is a card like that issued?

A. Well, they would be fixing the quadrant and it would be necessary to have two split pins.

Q. Would they get those split pins from you?

A. No. I would give them an order on the store-room for those split pins, and that is the order I would give them. [818—729]

Q. That is the order that you give them; that is your order issued by you?

A. That is my order; my signature.

Q. Where would you get the job number?

A. I would get it off of the typewritten slip on the foreman's desk in the machine-shop.

Q. In the machine-shop? A. Yes.

Q. How would you know what job number to put onto that particular slip?

A. Why, the parties that would be working on that job would be known to me personally, and would be

(Testimony of S. M. Robinson.)

known as working on that job; I would know they were working on that job, and I would also know that if they were working on that quadrant, and there was two split pins that were out of whack that they would have to have two new ones, and I would give them those.

Q. And you would get the job number by looking for it on the list? A. On the typewritten list.

Q. What is there on the card that would guide you in selecting the particular job number belonging to that particular piece of work?

A. I said, I think that I said, that the man that would come to me for these split pins would be known to me and known as working on that job at that time.

Q. Well, the job at that time that you would have in mind would not be the number, it would be the nature of the work, wouldn't it? A. Yes.

Q. And then you would go to the list to see what number belonged to that particular work?

A. I made it a business to carry around a list of the numbers in my pocket continually, no matter where I was; that is when I was in the Works I had a list in my pocket of numbers—the boat and the number or numbers, whichever [819—730] it happened to be.

Q. And would there be any description appended to those numbers where there are 2 or 3 numbers on a boat?

A. Yes; it would state what the particular numbers would be of the ship, what kind of work came under the head of that particular number, whether it

(Testimony of S. M. Robinson.)

was one part of the ship or another, or one kind of work or another, it would be stated.

Q. Then you would issue this order on the store-room? A. Yes.

Q. I show you stock card C3997 and ask you if that is issued in the same manner as just testified to.

A. Yes, sir.

Q. That is your handwriting? A. Yes, sir.

Q. I show you stock card C3996 and ask you if that is card of material issued by you at the time indicated and for the job number indicated.

A. Yes, that is all my doings.

Q. Now, when you say "yes" we are to understand you to mean that all these cards are issued by you in the same manner you have testified to respecting the first cards.

A. Yes, in the same manner, under the same conditions.

Q. If on any of these cards that I show you it should happen that the stock was issued by you out of your own stores instead of sending to the store-room, I wish you would kindly indicate it.

A. Now, let me look these over to see about that part of it. (After examination.) No, this is all storeroom.

Q. Now, I show you stock card C3994, and ask you if that is a card of material issued by you at the time indicated and for the shop number indicated?

A. Yes; storeroom also.

Q. I show you stock card C3992 and ask you if that is a card of material issued by you at the time indi-

(Testimony of S. M. Robinson.)

ated and for the shop number indicated.

A. Yes. [820—731]

Q. I show you stock card C3991 and ask you if that is a card of material issued by you at the time indicated and for the shop number indicated.

A. Same thing.

Q. I show you stock card C3976 and ask you if that is a card of material issued by you at the time indicated and for the shop number indicated.

A. Same thing.

Q. I show you stock card C3966 and ask you if that is a card of material issued by you at the time indicated and for the shop number indicated.

A. Same thing.

Q. I show you stock card C3965 and ask you if that is a card of material issued by you at the time indicated and for the shop number indicated.

A. From the storeroom.

Q. I show you stock card C3953 and ask you if that is a card of material issued by you at the time indicated and for the shop number indicated.

A. Same thing.

Q. I show you stock card C3937 and ask you if that is a card of material issued by you at the time indicated and for the shop number indicated.

A. Yes, same thing.

Q. I show you stock card C3924 and ask you if that is a card of material issued by you at the time indicated and for the shop number indicated.

A. Well, the body of this is the same thing. There is some writing there that is not my writing.

(Testimony of S. M. Robinson.)

Q. What is it? Read it.

A. It looks like "Adams Wharf."

Q. Now, read the whole thing. You can see what it is. It is an address, isn't it?

A. No. 1 paint brush No. 30. I don't know what that is unless—this part here is not my writing, but the order for the paint brush is; that don't cut any ice, anyway, whatever it is. [821—732]

Q. The description there?

A. It seems to be a description of a kind of paint brush, as near as I can see; the maker's name of the paint brush. That was done by the storeroom man, because they don't have the same kind all the time.

Q. Now, I show you stock card C3921 and ask you if that is a card of material issued by you at the time indicated and for the job number indicated.

A. The same thing, the storeroom.

Q. I show you stock card C3920 and ask you if that is a card of material issued by you at the time indicated and for the job number indicated.

A. The same thing.

Q. I show you stock card C3919 and ask you if that is a card of material issued by you at the time indicated and for the job number indicated.

A. The same thing.

Q. I show you stock card C3916 and ask you if that is a card of material issued by you at the time indicated and for the job number indicated.

A. The same thing.

Q. I show you stock card C3915 and ask you if that is a card of material issued by you at the time

(Testimony of S. M. Robinson.)

indicated and for the job number indicated.

A. Well, now, here is a card I wish to explain. It will be just as good for one side as the other. Evidently in this card I made a mistake in the number and the timekeeper has come to me to point that mistake out and I have explained it to him, and he has written over my mistaken number in his hand the right number after he has come to me and asked me about it; that is the way that it happens.

Q. Whenever he would find a mistake what on the card would indicate to him something by which he could tell whether the number was right or not?

A. Well, I don't know what that number was.
[822—733]

Q. Just look at the card there and see what there is that gives an indication of what the number should be.

A. Well, I would know it from that.

Q. Nobody knows what you mean by "that." You mean by "that" the description of the article?

A. Yes.

Q. How about what it is used on?

A. If I had the right number there, or rather having the wrong number there he knew that there was no sea valve connected with that number.

Q. That is what I am trying to get at.

A. I have written out there, you see, in full, what the material was for, and there not being any sea valve connected with that number, and finding a mistake on there he came to me to see what was the matter with it, what was the trouble.

Q. Would the two of you look it up? A. Yes.

(Testimony of S. M. Robinson.)

Q. And correct it? A. Certainly.

Q. What was the rule, Mr. Robinson, with respect to making erasures? Was there any rule observed as to whether or not a thing should be erased or simply written over to show that there was a correction?

A. No, there was no rule.

Q. Have you ever known any erasures to be made?

A. No, I don't know of any erasures being made.

Q. You have always found them written right over the original?

A. Yes, because it was quicker, I suppose. I never asked him why he did that way. I suppose because it was quicker.

Q. It is not what you suppose that is testimony.

A. All right.

Q. Only what you know. I show you stock card C3908 and ask you if that is a card of material issued by you at the time indicated and for the job number indicated. A. That is storeroom. [823—734]

Q. I show you stock card B2934 and ask you if that is a card of material issued by you at the time indicated and for the job number indicated.

A. The same.

Q. I show you stock card B2923 and ask you if that is a card of material issued by you at the time indicated and for the job number indicated.

A. Well, now, we come to something that I have myself. I gave this out.

Q. You gave that out yourself? A. Yes, sir.

Mr. FRANK.—I offer that in evidence.

Mr. McCLANAHAN.—I object to the offer as be-

(Testimony of S. M. Robinson.)

ing incompetent, irrelevant, immaterial, hearsay, self-serving and not binding on the respondent.

Mr. FRANK.—Q. I show you stock card B2922 and ask you if that is a card of material issued by you at the time indicated and for the job number indicated.

A. There is something that I gave out.

Q. Gave out your own self? A. Yes.

Mr. FRANK.—I offer that in evidence.

Mr. McCLANAHAN.—The same objection.

Mr. FRANK.—Q. I show you stock card B2921 and ask you if that is a card of material issued by you at the time indicated and for the job number indicated. A. Storeroom.

Q. I show you stock card B2917 and ask you if that is a card of material issued by you at the time indicated and for the job number indicated.

A. Storeroom.

Q. I show you stock card B2915 and ask you if that is a card of material issued by you at the time indicated and for the job number indicated.

A. Storeroom. [824—735]

Q. I show you stock card B2912 and ask you if that is a card of material issued by you at the time indicated and for the job number indicated.

A. I gave that out.

Mr. FRANK.—I offer that in evidence.

Mr. McCLANAHAN.—Same objection.

Mr. FRANK.—Q. I show you stock card B2911 and ask you if that is a card of material issued by you at the time indicated and for the job number

(Testimony of S. M. Robinson.)

indicated. A. Storeroom.

Q. I show you stock card B2910 and ask you if that is a card of material issued by you at the time indicated and for the job number indicated.

A. Storeroom.

Q. I show you stock card B2908 and ask you if that is a card of material issued by you at the time indicated and for the job number indicated.

A. I gave that out.

Mr. FRANK.—I offer that in evidence.

Mr. McCLANAHAN.—The same objection.

Mr. FRANK.—Q. I show you stock card C2795 and ask you if that is a card of material issued by you at the time indicated and for the job number indicated. A. Storeroom.

Q. I show you stock card C2788 and ask you if that is a card of material issued by you at the time indicated and for the job number indicated.

A. Storeroom.

Q. I show you stock card C2784 and ask you if that is a card of material issued by you at the time indicated and for the job number indicated.

A. Storeroom.

Q. I show you stock card C2777 and ask you if that is a card of material issued by you at the time indicated and for the job number indicated.

A. Storeroom. [825—736]

Q. I show you stock card C2774 and ask you if that is a card of material issued by you at the time indicated and for the job number indicated.

A. Storeroom.

(Testimony of S. M. Robinson.)

Q. I show you stock card C2769 and ask you if that is a card of material issued by you at the time indicated and for the job number indicated.

A. Storeroom.

Q. I show you stock card C2767 and ask you if that is a card of material issued by you at the time indicated and for the job number indicated.

A. Storeroom.

Q. I show you stock card C2764 and ask you if that is a card of material issued by you at the time indicated and for the job number indicated.

A. Storeroom.

Q. I show you stock card C2755 and ask you if that is a card of material issued by you at the time indicated and for the job number indicated.

A. Storeroom.

Q. I show you stock card C2753 and ask you if that is a card of material issued by you at the time indicated and for the job number indicated.

A. Storeroom.

Q. I show you stock card C2747 and ask you if that is a card of material issued by you at the time indicated and for the job number indicated.

A. Storeroom.

Q. I show you stock card C2740 and ask you if that is a card of material issued by you at the time indicated and for the job number indicated.

A. I gave that out.

Mr. FRANK.—I offer that in evidence.

Mr. McCLANAHAN.—The same objection.

Mr. FRANK.—Q. I show you stock card C2738

(Testimony of S. M. Robinson.)

and ask you if that is a card of material issued by you at the time indicated and for the job number indicated. A. Storeroom. [826—737]

Q. I show you stock card C2736 and ask you if that is a card of material issued by you at the time indicated and for the job number indicated.

A. Storeroom.

Q. I show you stock card C2735 and ask you if that is a card of material issued by you at the time indicated and for the job number indicated.

A. Storeroom.

Q. I show you stock card C2725 and ask you if that is a card of material issued by you at the time indicated and for the job number indicated.

A. Storeroom.

Q. I show you stock card C2721 and ask you if that is a card of material issued by you at the time indicated and for the job number indicated.

A. Storeroom.

Q. I show you stock card C2720 and ask you if that is a card of material issued by you at the time indicated and for the job number indicated.

A. Storeroom.

Q. I show you stock card C2719 and ask you if that is a card of material issued by you at the time indicated and for the job number indicated.

A. Storeroom.

Q. I show you stock card C2717 and ask you if that is a card of material issued by you at the time indicated and for the job number indicated.

A. Storeroom.

(Testimony of S. M. Robinson.)

Q. I show you stock card C2715 and ask you if that is a card of material issued by you at the time indicated and for the job number indicated.

A. Storeroom.

Q. I show you stock card C2708 and ask you if that is a card of material issued by you at the time indicated and for the job number indicated.

A. Storeroom.

Q. I show you stock card C2706 and ask you if that is a card of material issued by you at the time indicated and for the job [827—738] number indicated. A. Storeroom.

Q. I show you stock card A1500 and ask you if that is a card of material issued by you at the time indicated and for the job number indicated.

A. Storeroom.

Q. I show you stock card A1900 and ask you if that is a card of material issued by you at the time indicated and for the job number indicated.

A. Storeroom.

Q. I show you stock card A1711 and ask you if that is a card of material issued by you at the time indicated and for the job number indicated.

A. Storeroom.

Q. I show you stock card A1731 and ask you if that is a card of material issued by you at the time indicated and for the job number indicated.

A. I gave these out.

Mr. FRANK.—I offer it in evidence.

Mr. McCLANAHAN.—The same objection.

Mr. FRANK.—Q. I show you stock card A1733

(Testimony of S. M. Robinson.)

and ask you if that is a card of material issued by you at the time indicated and for the job number indicated. A. I gave these out.

Mr. FRANK.—I offer it in evidence.

Mr. McCLANAHAN.—The same objection.

Mr. FRANK.—Q. I show you stock card A1741 and ask you if that is a card of material issued by you at the time indicated and for the job number indicated. A. Storeroom.

Q. I show you stock card A1734 and ask you if that is a card of material issued by you at the time indicated and for the job number indicated.

A. Storeroom.

Q. I show you stock card A1744 and ask you if that is a card of material issued by you at the time indicated and for the job number indicated.

A. Storeroom. [828—739]

Q. I show you stock card A1745 and ask you if that is a card of material issued by you at the time indicated and for the job number indicated.

A. Storeroom.

Q. I show you stock card A1755 and ask you if that is a card of material issued by you at the time indicated and for the job number indicated.

A. Storeroom.

Q. I show you stock card A1760 and ask you if that is a card of material issued by you at the time indicated and for the job number indicated.

A. I gave these out.

Mr. FRANK.—I offer it in evidence.

(Testimony of S. M. Robinson.)

Mr. McCLANAHAN.—The same objection.

Mr. FRANK.—Q. I show you stock card A1769 and ask you if that is a card of material issued by you at the time indicated and for the job number indicated. A. Storeroom.

Q. I show you stock card A1772 and ask you if that is a card of material issued by you at the time indicated and for the job number indicated.

A. Well, I gave this out.

Mr. FRANK.—I offer it in evidence.

Mr. McCLANAHAN.—The same objection.

Mr. FRANK.—Q. I show you stock card A1780 and ask you if that is a card of material issued by you at the time indicated and for the job number indicated. A. No, this is not mine.

Q. I show you stock card A1790 and ask you if that is a card of material issued by you at the time indicated and for the job number indicated.

A. Storeroom.

Q. I show you stock card A1798 and ask you if that is a card of material issued by you at the time indicated and for the job number indicated.

A. Storeroom. [829—740]

Q. I show you stock card A1813 and ask you if that is a card of material issued by you at the time indicated and for the job number indicated.

A. Storeroom.

Q. I show you stock card A1820 and ask you if that is a card of material issued by you at the time indicated and for the job number indicated.

(Testimony of S. M. Robinson.)

A. Storeroom.

Q. I show you stock card A1834 and ask you if that is a card of material issued by you at the time indicated and for the job number indicated.

A. Storeroom.

Q. I show you stock card A1836 and ask you if that is a card of material issued by you at the time indicated and for the job number indicated.

A. I gave these out.

Mr. FRANK.—I offer it in evidence.

Mr. McCLANAHAN.—The same objection.

Mr. FRANK.—Q. I show you stock card A1839 and ask you if that is a card of material issued by you at the time indicated and for the job number indicated. A. Storeroom.

Q. I show you stock card A1840 and ask you if that is a card of material issued by you at the time indicated and for the job number indicated.

A. Storeroom.

Q. I show you stock card A1841 and ask you if that is a card of material issued by you at the time indicated and for the job number indicated.

A. Storeroom.

Q. I show you stock card A1843 and ask you if that is a card of material issued by you at the time indicated and for the job number indicated.

A. Storeroom.

Q. I show you stock card A1844 and ask you if that is a card of material issued by you at the time indicated and for the job number indicated.

(Testimony of S. M. Robinson.)

A. Storeroom. [830—741]

Q. I show you stock card A1846 and ask you if that is a card of material issued by you at the time indicated and for the job number indicated.

A. Storeroom.

Q. I show you stock card A1856 and ask you if that is a card of material issued by you at the time indicated and for the job number indicated.

A. Storeroom.

Q. I show you stock card A1858 and ask you if that is a card of material issued by you at the time indicated and for the job number indicated.

A. Storeroom.

Q. I show you stock card A1886 and ask you if that is a card of material issued by you at the time indicated and for the job number indicated.

A. Storeroom.

Q. I show you stock card A1895 and ask you if that is a card of material issued by you at the time indicated and for the job number indicated.

A. Storeroom.

Q. I show you stock card A1897 and ask you if that is a card of material issued by you at the time indicated and for the job number indicated.

A. I gave that out.

Mr. FRANK.—I offer it in evidence.

Mr. McCLANAHAN.—The same objection.

Mr. FRANK.—Q. I show you stock card A1466 and ask you if that is a card of material issued by you at the time indicated and for the job number

(Testimony of S. M. Robinson.)

indicated. A. Storeroom.

Q. I show you stock card A1477 and ask you if that is a card of material issued by you at the time indicated and for the job number indicated.

A. Storeroom.

Q. I show you stock card A1497 and ask you if that is a card of material issued by you at the time indicated and for the job number indicated.

A. Storeroom. [831—742]

Q. I show you stock card A1492 and ask you if that is a card of material issued by you at the time indicated and for the job number indicated.

A. Storeroom.

Q. I show you stock card A1494 and ask you if that is a card of material issued by you at the time indicated and for the job number indicated.

A. Storeroom.

Q. I show you stock card A1499 and ask you if that is a card of material issued by you at the time indicated and for the job number indicated.

A. Storeroom.

Q. In each case where you have said “Storeroom” you mean that is your card, issued in the manner you have indicated? A. Yes, sir.

Q. And that the supplies were issued from the storeroom? A. Yes.

Cross-examination.

Mr. McCLANAHAN.—Q. Mr. Robinson, these cards that you have identified, but which have not as yet been offered in evidence are simply orders signed by you for the material called for by the card, orders

(Testimony of S. M. Robinson.)

on the storeroom?

A. Orders on the storeroom as they are written there.

Q. You are not connected with the storeroom?

A. No, sir.

Q. You give these cards when they are made out and signed by you to the man requiring the particular material and that is the end of it so far as you are concerned?

A. Yes; I do not go to the storeroom, if that is what you mean.

Q. In other words, you do not know what he did with the cards?

A. Well, any more than I kept track of the work being done and seeing that I am not issuing cards under false pretenses; I keep run or try to keep run of what is going on. [832—743]

Q. Well, if there is anything that you do, Mr. Robinson, after you have issued this card which is an order on the storeroom, I wish you would tell me.

A. Well, I keep track of the men, their names, and what they are doing, and am very particular in asking them where they are working, and how long they will be on the job, and I ask them all sorts of questions before I put my signature for any material on it.

Q. I am referring to the period of time after you have delivered the card to the man.

A. Oh, well, after that, I do not go down with the material, no; I do not follow the material down.

Q. You don't know what he does with the card?

(Testimony of S. M. Robinson.)

A. Why, certainly, I know what he does with the card.

Q. How do you know that?

A. Well, I don't know—how do you know anything?

Q. That is, Mr. Robinson, you assume that the man goes to the storeroom and gets the material called for by your order.

A. I know that the boat could not be finished and go away until that material is put into her.

Q. Well, what about your order for two pounds of white lead; would your remark apply to that?

A. Certainly.

Q. What about your order for a dozen candles; would your remark apply to that?

A. No, it would not apply to that; she could go away without the candles.

Q. Let us take card C3992, or, rather, let us take candles, for there are a number of them in your cards. A. Yes.

Q. You don't know whether he got those candles called for by that card? A. No, I don't.

Q. And, of course, you don't know, therefore, that the candles were [833—744] used on the "Hilonian"?

A. Well, no, the way you put it, I did not.

Q. That is the legal way, Mr. Robinson. You have no hack-saw blades in your toolroom?

A. Yes, I have.

Q. There is a card B2934 that you say you did not deliver; 1 dozen 12-inch hack-saw blades.

(Testimony of S. M. Robinson.)

A. I will tell you. When I give an order for 12, I know by the number that they went to the storeroom to get them, because I only keep a few for our own use in the storeroom; I never have more than a dozen at a time; just the minute they go I get them and bring them there, and by the time they are put away they are lacking, because I have issued the order for them in order to have them for use right in the toolroom; when I write out an order for 12 I know that it goes to the toolroom.

Q. What is the rule, then, with reference to the number of hack-saw blades that you issue from the toolroom?

A. I might have issued an order for as many as two dozen in some case.

Q. From the toolroom?

A. No, I do not issue any number of hack-saw blades from the toolroom.

Q. That is, the orders for hack-saw blades are filled in the storeroom? A. Yes.

Q. Always?

A. Yes. And if I send an order for a dozen hack-saw blades for the toolroom, that is charged up to the toolroom, and then a man comes for one hack-saw blade, he gets it without any order whatever, I make no account of it, for only one hack-saw blade; it is only when they have a job where they are breaking a great number of them that I issue an order for a dozen at a time. [834—745]

Q. Is that the rule of your shop?

A. That is the rule.

(Testimony of S. M. Robinson.)

Q. That is, that where a number of hack-saw blades are required you issue an order? A. Yes.

Q. On the storeroom? A. On the storeroom.

Q. When you get an order for candles—when you issue an order for candles, where do you get the job number?

A. Why, as I said in the beginning, I have the job number on my person, after I go and get the job numbers and all connected with it off of the type-written sheet.

Q. Well, let me understand; a man comes to your toolroom and says, “I want a dozen candles on such and such an hour”; do you give it to him?

A. No, just for him saying that I do not. I ask him what he is working on, what he wants with the candles, and all about it.

Q. Ask him what he is working on and what he wants with the candles?

A. Yes; if I do not know personally, if I do not know just at that particular moment that he is working on that, why I ask him all sorts of questions about it. But if I know myself personally, of my own knowledge, that he is working, why, I do not ask him.

Q. If he is working on what?

A. On the “Hilonian” or any other boat that I may issue an order for.

Q. So, if you know a man is working on the “Hilonian” at night and he comes to your toolroom and wants a dozen candles and he gives you a “Hilonian” job number, you give him the candles, do you?

(Testimony of S. M. Robinson.)

A. No, I am not there at all in the night.

Q. In the daytime, then. Let us not quibble.

A. That is what you are doing, all right. I give him an order, [835—747] yes; I believe that is the last question.

Q. In other words, you sometimes take the man's word for the job number?

A. No, I do not take the man's word for the job number.

Q. Suppose the "Hilonian" has a number of job numbers?

A. I have got it all in black and white.

Q. You have said that several times. Suppose the "Hilonian" has a number of job numbers and the man comes and you know he is working on the "Hilonian" and he says, "I want a dozen candles for 5295," which turns out to be one of the "Hilonian" job numbers, you give him the candles, do you not?

A. After I have found out what he wants the candles for.

Q. You ask him what he wants the candles for?

A. Yes, sir. Because if he was working where he did not need any candles, why, I would not give him any candles.

Q. You could tell from the "Hilonian" job numbers where the man was working?

A. Why, certainly; it says, for instance, it tells whether a man is working on boilers or on engine or on the hoist or down on the tail-shaft or on the propeller—well, I might go and might name over the

(Testimony of S. M. Robinson.)

parts of the whole ship.

(An adjournment was here taken until to-morrow, Friday, September 8th, 1911, at 11 o'clock A. M.)

[836—748]

Friday, September 8th, 1911.

[**Testimony of Charles Grotefend, for Libelant.**]

CHARLES GROTEFEND, called for libelant, sworn.

Mr. FRANK.—Q. Mr. Grotefend, where are you employed? A. Do you mean at the present time?

Q. Yes.

A. At the Standard Gas Engine Company.

Q. Were you in the employ of the United Engineering Works in September, 1909?

A. Yes, sir, I was.

Q. In what capacity?

A. As foreman of the shop, of the city shop.

Q. The city shop? A. Yes, sir.

Q. On this side? A. Yes, sir.

Q. When you did work over in the city shop here, did you keep a record of your time as you worked?

A. Yes, sir.

Q. I show you a card dated September 23d, with your name on it and ask you if that is your card for work performed on that day. A. It is.

Q. Where did you get your job numbers from?

A. From an order sheet sent down from the office.

Q. How did you keep track of the hours worked?

A. By performing the work and putting it down on a slip of paper, or at the head of the lathe, or different places where it is convenient for you to put

(Testimony of Charles Grotefend.)

your time down. In my case in particular it was a desk where I put the time down. I kept track of it right at the desk.

Q. Is that a correct record of the work performed on those several numbers on that day?

A. Yes, sir.

Mr. FRANK.—I ask that the card be marked Grotefend No. 1.

Mr. McCLANAHAN.—I object to that on the ground that it is [837—749] incompetent, irrelevant and immaterial, hearsay, self-serving, and not binding on the respondent.

(The card is marked “Grotefend No. 1.”)

Mr. FRANK.—Q. You had some men working under you in the shop? A. Yes, sir.

Q. How many?

A. Well, as high as 12 down to 3 or 4, or 2 or 3. About 3 machinists would be the least we had, and 12, I guess, was the most.

Q. You do not remember how many were *under at* this particular time, do you?

A. That I don't remember, not at that time; not the exact amount of men.

Q. Would you keep track of their work?

A. Yes, sir.

Q. In what way?

A. In the form of those time-cards, and when I would give them a job to perform the work I would look at the clock and make a record of it, and when they finished this job and came after another one I would look at the clock again and place it down

(Testimony of Charles Grotefend.)

either at the head of the lathe, or on the ticket until the end of the day when it was placed on those cards and O. K.'d.

Q. Did you go over the cards?

A. Yes, sir; every night.

Q. Every night? A. Yes, sir.

Q. Are those your initials (pointing)?

A. C. W. G.; yes, sir.

Q. Is that card of Schaackey one of your men?

A. Yes, sir.

Q. Supervised in the manner in which you have indicated? A. Yes, sir.

Mr. FRANK.—I ask that the card be marked Grotefend No. 2.

Mr. McCLANAHAN.—The same objection.

(The card is marked "Grotefend No. 2.")

Mr. FRANK.—Q. I now show you a card of September 23d, of [838—750] Nolan, and ask you if that is a card of a man working under you at that time whose work was supervised in the manner in which you have indicated, and if that contains your signature at the bottom. A. Yes, sir.

Mr. FRANK.—I ask that the card be marked Grotefend No. 3.

Mr. McCLANAHAN.—The same objection.

(The card is marked "Grotefend No. 3.")

Mr. FRANK.—Q. I now show you two cards of September 22d and 23d, with the name of Joseph Turner, and ask you if those are cards of a man working under you at that time whose work was supervised in the manner in which you have indi-

(Testimony of Charles Grotefend.)

cated, and if that contains your signature at the bottom. A. Yes, sir, those cards are all right.

Q. In the same way as you have testified to the others? A. Yes, sir.

Mr. FRANK.—I ask that the cards be marked consecutively Grotefend No. 4 and 5.

Mr. McCLANAHAN.—The same objection.

(The cards are marked “Grotefend No. 4 and 5.”)

Mr. FRANK.—Q. I now show you a card of September 23d, of John Seelos, and ask you if that is a card of a man working under you at that time whose work was supervised in the manner in which you have indicated, and if that contains your signature at the bottom. A. Yes, sir.

Mr. FRANK.—I ask that the card be marked Grotefend No. 6.

Mr. McCLANAHAN.—The same objection.

(The card is marked “Grotefend No. 6.”)

Mr. FRANK.—Q. I now show you cards of September 22d, 23d and 24th, of A. Campbell, and ask you if those are cards of a [839—751] man working under you at that time whose work was supervised in the manner in which you have indicated, and if they contain your signature at the bottom.

A. Those cards are all right.

Mr. FRANK.—I ask that the cards be marked consecutively Grotefend No. 7, 8 and 9.

Mr. McCLANAHAN.—The same objection to each card.

(The cards are marked “Grotefend No. 7, 8 and 9.”)

(Testimony of Charles Grotefend.)

Mr. FRANK.—Q. These were all machinists were they, Mr. Grotefend? A. Yes, sir.

Q. There was some material used was there, on the work in your shop? A. Yes, sir.

Q. I will show you a stock card of September 23d, and ask you if that is a card issued by you for material used in your shop at that time, on the particular job that is indicated. A. Yes, sir.

Mr. FRANK.—I ask that the stock card be marked Grotefend No. 1.

Mr. McCLANAHAN.—The same objection.

(The stock card is marked “Grotefend No. 1.”)

Mr. FRANK.—Q. I show you another stock card and ask you if that is a card issued by you for material used in your shop at that time, on the particular job that is indicated.

A. Yes, sir, that is all right.

Q. In whose handwriting is it?

A. It is my handwriting.

Q. And used where?

A. That was used on a revolution counter.

Q. In your shop? A. Yes, sir, in my shop.

Mr. FRANK.—I ask that the stock card be marked Grotefend No. 2.

Mr. McCLANAHAN.—The same objection.
[840—752]

(The stock card is marked “Grotefend No. 2.”)

Mr. FRANK.—Q. I will show you another stock card and ask you if that is a card issued by you for material used in your shop at that time, on the particular job that is indicated.

(Testimony of Charles Grotefend.)

A. Yes, sir; the card is all right.

Q. In whose handwriting is it?

A. That is my handwriting.

Mr. FRANK.—I ask that the stock card be marked Grotefend No. 3.

Mr. McCLANAHAN.—The same objection.

(The stock card is marked “Grotefend No. 3.”)

Mr. FRANK.—Q. I have three stock cards all dated September 23d, and ask you if those are cards issued by you for material used in your shop at that time, on the particular job that is indicated.

A. These cards are not in my handwriting. As to the material I could not remember. I could not remember as to those, but that is not in my handwriting.

Q. Did you make the drain for the thrust?

A. I think not. The drain for the thrust?

Q. Yes, fitting it. Did you fit it?

A. That I could not remember.

Q. You cannot recall?

A. That would be done down on the ship. Those fittings would be taken out of the stockroom, and whoever was working on board of the ship would get those from the storekeeper. [841—753]

Cross-examination.

Mr. McCLANAHAN.—Q. Mr. Grotefend, these stock order cards are orders for material, are they not? A. Yes, sir.

Q. Who are they honored by?

A. Honored by the storekeeper.

Q. On this side of the bay? A. Yes, sir.

(Testimony of Charles Grotefend.)

Q. Who was the storekeeper? A. Mr. Speed.

Q. So I understand these three stock cards are in your handwriting? A. Yes, sir.

Q. When you wanted material for a particular job number you would make out the order and present it to the storekeeper? A. Yes, sir.

Q. And he would fill the order? A. Yes, sir.

Q. And in the ordinary course of business you would apply that material to the job number?

A. To the job number. In case of iron or anything that is inside the shop, that I would take out there I would weigh it as I cut it off, weigh it, put it on a tag and hand the tag to the storekeeper. That is why my signature is not on that because I took the material and put the weight on that tag and handed it to the storekeeper.

Mr. FRANK.—Q. You are referring now to stock card No. 3? A. No. 3.

Mr. McCLANAHAN.—Q. Did you actually manipulate the material itself and put it into the job?

A. All the material such as on those tickets.

Q. On those three jobs? A. Yes, sir.

Q. How do you remember that now? How do you remember that you manipulated the material and put it into the job number?

A. As it is always my duty to do so. When material would come [842—754] into the shop on a job it is my duty to give these men the work, and when it comes to material the material was used and cut off and they would weigh it and give me the weight, or else I would do that myself. The weight

(Testimony of Charles Grotefend.)

was always taken, otherwise if they used anything and we did not put the weight down there it would go in the job without being charged at all.

Q. These several items of material were handed over by you to your men, were they not?

A. Yes, sir, and myself also. In this case—

Q. What are you pointing to now?

A. This card. (Pointing.)

Q. Exhibit No. 1?

A. That I would get out myself.

Q. What do you mean by that, you would get it out yourself?

A. I would write the ticket and hand it to the shipping-clerk and he would give me those materials himself.

Q. What did you do with the materials on “Exhibit No. 1”?

A. I would give them to the man who was fitting up the work, the man who was going on board the ship to do the work.

Q. You yourself would not actually put that work into the ship? A. No, sir.

Q. Is that so on “Exhibit No. 2,” you would not yourself *actually* into the ship?

A. As to this here revolution counter I don't remember at the time what that was used for. I could not state what it was used for. You can rest assured that that was used because that was cut off in the shop and taken the weight of, which weighed one lb., and placed in the hands of the shipping-clerk.

Q. My question is, you do not know that that was

(Testimony of Charles Grotefend.)

used on the ship. You did not use it yourself?

A. That I could not swear to unless I saw the job. If I saw the job I could swear to it. [843—755]

Q. And that is the same in regard to No. 3?

A. Yes, sir, the same in regard to No. 3. I could not swear what that piece of iron was used for unless I saw it.

Q. Your duty was simply confined to procuring the piece from the storeroom and handing it to the mechanic? A. Yes, sir.

Q. You have identified some time-cards of men working under you, and I suppose your identification goes to the number of hours worked?

A. Number of hours worked and the performance of the work, yes, sir; and those cards are signed. Each man is supposed to keep track of his time as I give him his work. When he finishes his job he is supposed to make a record of his time on either his lathe or wherever he was working. In my case I had the desk there where I made the record.

Q. I am referring to the men under you. They kept a record of their time and put it on their cards, and you subsequently checked it up? A. Yes, sir.

Q. Does that time shown on the card purport to be the actual time worked on the job? A. Yes, sir.

Q. In each case? A. In each case, yes.

Redirect Examination.

Mr. FRANK.—Q. Mr. Grotefend, these men to whom you handed this material, were they working under your supervision? A. Yes, sir.

Q. Have you any doubt but what the material

(Testimony of Charles Grotefend.)

went into the job?

A. Not any whatever. The main doubt in a case like that is that the material will go into the job without being charged, because sometimes in getting out work in the shop they cut off a piece of steel without my knowing it, and put it into the job, and forget to take the weight of it, and it goes in the job without. In that case of course I would not know anything [844—756] about it.

Q. Was this particular material here worked up in the shop?

A. Yes, sir, except the fittings. The fittings, as far as I know, would be sent down to the ship. I don't think they would be worked up in the shop—the pipe fittings.

Q. The rest would be worked up in the shop, ready to go into a particular part of the vessel?

A. Yes, sir, such as bushings, it would be made in the shop, put into place and taken down to the ship.

[Testimony of William Macdonald, for Libelant.]

WILLIAM MACDONALD, called for the libelant, sworn.

Mr. FRANK.—Q. What is your occupation, Mr. Macdonald? A. Chief draughtsman.

Q. Do you have any men under you in your draughtsman department? A. Yes, sir.

Q. Do you supervise their work and their time?

A. Yes, sir.

Q. Also keep track of your own time?

A. Yes, sir.

(Testimony of William Macdonald.)

Q. How did you keep track of your time, Mr. Macdonald?

A. Well, I always take it down on a table at the time I commence the job, and when I leave it off, and at the end of the day I enter it up on the time-cards and turn in my own with the men's every day.

Q. How did you get the job numbers?

A. I get them on a yellow sheet from the office.

Q. I show you a card of September 1st, with your name on it, and ask you if that is your time-card entered up in the manner in which you have indicated.

A. Yes, sir, that is mine.

Q. Was it correct at the time you passed it in?

A. Yes, sir, that is all right. [845—757]

Q. You were working in the United Engineering Works at that time?

A. Yes, sir, and I am still working for them.

Mr. FRANK.—I ask that the card be marked "Macdonald No. 1."

Mr. McCLANAHAN.—I object to the offer as incompetent, irrelevant, immaterial, hearsay, self-serving, not binding on the respondent.

(The card is marked "Macdonald No. 1.")

Mr. FRANK.—Q. I show you four cards of August 25th, 26th, 27th and September 4th, and with respect to each card, I ask you the same question as to whether they were entered up in the manner you have indicated and whether they were known by you to be correct at the time you passed them in.

A. Yes, sir, every one of these are my own and are perfectly correct.

(Testimony of William Macdonald.)

Mr. FRANK.—I will offer these in evidence, and ask that they be marked consecutively, Macdonald No. 2, 3, 4, and 5.

Mr. McCLANAHAN.—I make the same objection to each card.

(The cards are marked “Macdonald No. 2, 3, 4 and 5.”)

Mr. FRANK.—Q. You were not on the same basis as the other men in the works as to the number of hours of a day's work?

A. We worked eight hours in the drawing-room always.

Mr. FRANK.—I offer these clock cards of August 28th, September 11th and September 25th and ask to have them marked Macdonald No. 6, No. 7 and 7½.

(The clock cards are marked “Macdonald No. 6, 7 and 7½.”)

Mr. FRANK.—Q. I now show you the card of N. Micheli, and ask you if that is a man who was working under you at that time, and whether that is his card, supervised by you and known [846—758] to be correct by you at the time it was handed in?

A. Yes, sir, it is absolutely correct or I would not have signed my name at the bottom of it, or my initials.

Mr. FRANK.—I ask that the card be marked Macdonald No. 8.

Mr. McCLANAHAN.—The same objection.

(The card is marked “Macdonald No. 8.”)

Mr. FRANK.—I ask that the clock card of Sep-

(Testimony of William Macdonald.)

tember 25th be marked Macdonald No. 9.

(The clock card is marked "Macdonald No. 9.")

Q. I show you a card of P. B. Young, and ask you if that is a man who was working under you at that time, and whether that is his card, supervised by you, and known to be correct by you at the time it was handed in.

A. The same thing with that. I put my initials on the bottom of that card, and it is correct too.

Mr. FRANK.—I offer that card and ask that it be marked Macdonald No. 10.

Mr. McCLANAHAN.—The same objection.

(The card is marked "Macdonald No. 10.")

Mr. FRANK.—I offer the clock card of September 25th, and ask that it be marked Macdonald No. 11.

(The clock card is marked "Macdonald No. 11.")

Q. I show you now the time-cards of Young of August 27th, 31st, September 1st, 2d, 4th, 7th, 8th, 10th and 11th, and ask you if that is a man who was working under you at that time, and whether those are his cards, supervised by you and known to be correct by you at the time each of those cards were handed in. A. They are all correct.

Mr. FRANK.—I ask to have these cards marked consecutively, Macdonald No. 12, 13, 14, 15, 16, 17, 18, 19 and 20. [847—759]

Mr. McCLANAHAN.—The same objection to each card.

(The cards are marked "Macdonald No. 12, 13, 14, 15, 16, 17, 18, 19 and 20.")

(Testimony of William Macdonald.)

Mr. FRANK.—I offer the clock cards of September 11th and August 28th, and ask that they be marked Macdonald No. 21 and 22.

(The clock cards are marked “Macdonald No. 21 and 22.”)

Cross-examination.

Mr. McCLANAHAN.—Q. The cards of Mr. Young and Mr. Micheli, I understand, were checked over at night by you after they had been made out, and handed to you by those respective men?

A. Yes, sir.

Q. You did not see the card before it was handed to you? A. No, sir.

Q. It was in their possession? A. Yes, sir.

Q. They kept their own time, did they?

A. They keep their time, and I also do the same.

Q. You keep your time? A. I keep their time.

Q. How do you keep their time?

A. When I give them a job I always mark it down on a pad. I have a pad for every day's work. When I give them a job I mark down the time I give it to them, and when I get it back I check the time off then.

Q. In these cards that are introduced I see there are no changes in the time after they were handed in, so I suppose the time kept by you and the time kept by the men correspond? A. Yes, sir.

Q. And this time represents the actual work done by each of the men and by yourself on the respective numbers? A. Yes, sir. [848—760]

(Testimony of William Macdonald.)

Q. That is, if you commenced the job at 2 o'clock and finish it at 3 o'clock, you put down an hour on the time? A. One hour; yes.

[Testimony of Arthur Robinson, for Libelant.]

ARTHUR ROBINSON, called for the libelant, sworn.

Mr. FRANK.—Q. Mr. Robinson, what position did you occupy at the United Engineering Works in August and September, 1909? A. Toolkeeper.

Q. Are there two toolkeepers, or two different toolkeepers?

A. Yes, sir, one was for the machinists and one for the shipyard.

Q. And you were the toolkeeper for the shipyard?

A. Yes, sir, for the shipyard.

Q. In your position of toolkeeper, did you also act as storekeeper for the shipyard?

A. Not storekeeper. I gave the orders to the men. There is only one storekeeper, Mr. Roberts.

Q. You gave the orders for the men on the storekeeper? A. Yes, sir.

Q. Where is your shop located with reference to where the vessel lay?

A. Our shop is the furthest down towards the wharf.

Q. About how far is it from the ship?

A. 150 feet, maybe.

Q. 150 feet?

A. Yes, sir, about 150 feet from the main dock.

Q. And from where you are working, can you see

(Testimony of Arthur Robinson.)

the ship and the men coming to and going from the ship?

A. Except when the ship is on drydock. I could not see from there.

Q. Is all the material issued on these cards, issued by Mr. Roberts? [849—761] A. Yes, sir.

Q. And by your order on Roberts?

A. My order on Roberts.

Q. You issue nothing yourself?

A. No, sir, I have nothing to issue. I keep nothing but the tools.

Q. How do you determine the job number for any particular order?

A. The timekeeper brings us over the job numbers to my place, to the toolroom, with the order card and leaves it there. I copy that and put it onto a piece of draughting paper, a ready reference, so that I can look at it.

Q. And when a man comes to you for certain material how do you know what number to put that material on?

A. I ask him what he is going to work on, and then there is a number for that work.

Q. Then you can consult your sheet to see what number goes to that work?

A. Yes, sir, and then put it on the card.

Q. Where is the storeroom with relation to your place? A. It is within 40 feet or less.

Q. Within 40 feet of you? A. Yes, sir.

Q. Can you see the storeroom when you are at work in your place? A. Yes, sir.

(Testimony of Arthur Robinson.)

Q. So that if a man comes to you and gets an order you can see him go to the storeroom?

A. I could if I watched him.

Q. You also see him go back to the ship?

A. I should have to watch him. I don't pay any attention to him in that way. I could do it. If I wanted to I could see him. [850—762]

Q. I now show you stock cards numbered C502, C505, C511, C512, C521, C530, C533, C540, C550, C577, C582, C590, C592, C594, C597, A685, A686, A904, A908, A909, A918, A926, A937, A945, A952, A966, A967, A997, B1004, B1005, B1006, B1012, B1014, B1018, B1025, B1026, B1032, B1033, B1038, B1041, B1049, B1057, B1061, B1062, B1071, B1075, B1076, B1079, B1081, B1078, B1087, B1090, B1092, B1096, B1097, C1103, C1108, C1110, C1111, C1116, C1117, C1118, C1123, C1127, C1147, C1142, C1152, C1156, C1163, C1173, C1175, C1180, C1185, C1199, B1501, B1506, B1507, B1509, B1510, B1514, B1516, B1522, B1530, B1546, B1548, B1549, B1550, B1555, B1560, B1566, B1571, B1572, B1576, B1577, B1578, B1580, B1582, B1583, B1584, B1591, B1599, B1801, B1803, B1804, B1810, B1814, B1828, B1839, B1854, B1867, B1871, B1880, B1884, B1894, B1897, B7401, B7403, B7414, B7402, B7413, B7412, B9551, B9552, B3601, B3602, B3607, B3608, B3610, B3612, B3616, B3621, B3622, B3629, B3631, B3632, B3635, B3638, B3649, B3646, B3651, B3654, B3656, B3658, B3660, B3661, B3664, B3667, B5601, B5604, B5609, B5612, B5614, B5617, B5618, B5621, B5622, B5624, B5626, B5627, B5628, B5633, B5634, B5644, B5646, B5655,

(Testimony of Arthur Robinson.)

B5657, B5658, B5691, B5688, B5670, B5683, B5700, B5684, B5679, B5672, B5664, B5665, B5667, B5695, C536, A923, A944, B1523, B1569, B1587, B1589, B1809, B1895, B3611, B3628, B3633, B3663, B5660, B5689.

(A recess was here taken until 2 P. M.) [851—763]

AFTERNOON SESSION.

ARTHUR ROBINSON, direct examination resumed:

Mr. FRANK.—Q. During the recess, Mr. Robinson, have you looked over these cards the numbers of which were read off this morning?

A. Yes, sir.

Q. And they are all orders made out by you in the manner in which you have testified to?

A. Yes, sir.

Q. Orders on the storeroom?

A. On the storeroom, yes.

Mr. FRANK.—That is all.

Mr. McCLANAHAN.—I want to suggest to you, Mr. Frank, that you have not offered these in evidence.

Mr. FRANK.—I understand that.

Mr. McCLANAHAN.—Do you intend to offer them?

Mr. FRANK.—Yes.

Mr. McCLANAHAN.—But not through this witness.

Mr. FRANK.—Not just yet. You can cross-examine the witness, if you want to.

(Testimony of Arthur Robinson.)

Mr. McCLANAHAN.—No cross-examination.

Mr. FRANK.—I think for the purpose of future reference, that these ought to be fastened together in some way and so marked that when we come to take them up again we will not have to go through that detail of numbers, if that is agreeable to you, Mr. McClanahan.

Mr. McCLANAHAN.—They are already identified.

Mr. FRANK.—That means though that we will have to go through the details again.

Mr. McCLANAHAN.—I refrain from cross-examining the witness because they are not offered in evidence.

Mr. FRANK.—That is no excuse for not cross-examining the [852—764] witness because this witness is a witness to a material part of these exhibits that will be offered in evidence. You are perfectly free to cross-examine him at this time because I tell you they will be offered in evidence.

Mr. McCLANAHAN.—I do not care to cross-examine him now.

Mr. FRANK.—Suit yourself about that. Now, I have fastened them together, and I offer them in evidence and ask that they be marked A. Robinson's Stock Cards No. 1.

Mr. McCLANAHAN.—I object to the offer upon the ground that it is incompetent, irrelevant, immaterial, hearsay, self-serving and not binding on the respondent. I ask that my objection apply to each of the several slips comprising the whole exhibit.

(Testimony of Arthur Robinson.)

(The stock cards are marked "A. Robinson's Stock Cards, Exhibit No. 1.")

Mr. FRANK.—Is that all?

Mr. McCLANAHAN.—That is all.

[Testimony of William Lentz, for Libelant.]

WILLIAM LENTZ, called for the libelant, sworn.

Mr. FRANK.—Q. Mr. Lentz, were you in the employ of the United Engineering Works in August and September, 1909? A. Yes, sir, I was.

Q. In what capacity?

A. In the pipe-fitting shop, steam-fitting.

Q. Do you remember during that year working on board of the steamer "Hilonian," steam-fitting?

A. Yes, sir.

Q. Did you use any material on board of the "Hilonian" when you were doing this steam-fitting?

A. Yes, sir. [853—765]

Q. Where did you get the material?

A. Out of the storeroom.

Q. Out of what storeroom?

A. The one that Mr. Roberts has charge of.

Q. Did you personally use the material on board of the ship?

A. I was acting as the foreman, and I had men working under me, and they used it.

Q. State whether or not they used it under your supervision. A. Yes, sir, that is it.

Q. I hand you a bundle of stock cards, and I ask you to go over these stock cards in detail and state whether or not they contain a statement of material

(Testimony of William Lentz.)

used by you on board of the "Hilonian" for steam-fitting.

A. You mean that was used by me and the men?

Q. Yes, under your supervision, so that you know it was used. A. (After examination.) Yes.

Q. Were these orders made out by you, Mr. Lentz?

A. Some of them were.

Q. And some of them by whom?

A. Some of the other men employed under me.

Q. Some of the other men? A. Yes, sir.

Q. So that wherever your name appears here, without any "per" attached to it, it is made out by you, is that it?

A. No, sir, there are one or two of them there that are not written by me with the "per" on it.

Q. Just go through them now and indicate by the numbers which were not written by you.

A. You mean the ones without the "per"? These are not written by me.

Q. Indicate those that were not written by you. I think they [854—766] are less than those that were; just call them out.

A. The ones not written by me?

Q. Yes.

A. A3272, A3275, A3277, F4958, F4959, F4960, F4993, A6005, A6033, A6037, A6038, A6066, A6067, A6070, A6077, A6083, A6085, A6089, A6090, A6092, A6096, A6108, A6111, A6142, A6184, A6186, A6187, A6189, A6192, A6194.

Q. And the balance were written by you?

A. Yes, sir.

(Testimony of William Lentz.)

Q. Now, in the case of the other orders to which your name is attached per someone, do you know whether or not that material came on board and was used on the job? A. Yes, sir.

Q. You know that it was? A. Yes, sir.

Q. And you know on what job it was used?

A. Yes, sir.

Q. How did you determine these job numbers to be put on those slips?

A. I had numbers in my place where I was, stating what the article was to be done, or the work to be done.

Q. That is, you had a list from the office?

A. From the office, yes.

Q. And the numbers, and what work was to be done under those numbers? A. Yes, sir.

Mr. FRANK.—I now offer these in evidence, and I think it will be just as well to read the numbers off first, and then have it marked as a single exhibit, the same as I did in the other case.

Mr. McCLANAHAN.—I object to the offer as being incompetent, irrelevant, immaterial, hearsay, self-serving and not binding on the respondent.

Mr. FRANK.—The numbers are A3272, A3275, A3277, A3301, A3302, F4958, F4959, F4960, F4967, F4968, F4993, A6005, [855—767] A6018, A6019, A6020, A6033, A6037, A6038, A6041, A6053, A6054, A6055, A6058, A6059, A6065, A6066, A6067, A6068, A6069, A6070, A6072, A6073, A6077, A6078, A6079, A6080, A6081, A6082, A6083, A6084, A6085, A6086, A6087, A6088, A6089, A6090, A6091, A6092, A6093,

(Testimony of William Lentz.)

A6094, A6095, A6096, A6097, A6098, A6108, A6111, A6142, A6158, A6181, A6184, A6186, A6187, A6189, A6192, A6194 and A6496.

I ask that that be marked Lentz Stock Cards No. 1.

(The cards are marked "Lentz Stock Cards No. 1.")

Cross-examination.

Mr. McCLANAHAN.—Q. Where were these yellow slips kept on board of the "Hilonian" at the time they were used by you? A. These yellow slips?

Q. Yes.

A. They were left in the pipe-shop on a desk.

Q. Where is the pipe-shop? On the ship or off of the ship? A. Off of the ship.

Q. Did you do any work on the ship?

A. Yes, sir.

Q. Did you work all the time on the ship?

A. All the time on the ship.

Q. These little yellow slips were left on the desk in the pipe-shop room or the table?

A. In a book form, as they are, only they have a stub to them. They are left on a bench.

Q. Now, when material is wanted, the man goes to this book and fills out the slip and takes it to the store-room, does he, and gets it?

A. The man fills it out when I would not be there.

Q. You are on the ship, I understand?

A. I am not on the ship all the time.

Q. I asked you that question, if you were on the ship all the time, and you said, yes.

A. Not all day long. I am off and on. When I

(Testimony of William Lentz.)

have a job to [856—768] do on that boat I go down and measure it, and when I have got it all measured up, and any cutting to do, I take it to the shop and cut it.

Q. But when material is wanted for use on the ship you do not always go to the office on shore where the slips are kept to make out the slips, do you yourself, sometimes you send a man, don't you?

A. You mean when I want material myself?

Q. Yes.

A. Generally, as a rule, when we go to look at a job we would figure out what we need, and then we get what we need for the job, and we get this book and write out our orders.

Q. You say "we"? A. I myself.

Q. Or someone else?

A. The men that were working under me at the time.

Q. When you do not go to the book and write out the order, another man under you does?

A. Yes, sir.

Q. That accounts, does it, for the fact that some of these slips are not written by you? A. Yes, sir.

Q. That is the way it occurred?

A. That is the way it occurred.

Q. In working on the ship are you and your men always working together?

A. No, sir, some men might be working amidships, other men might be working aft, and other men might be working forward.

Q. So that you know they are all working on the

(Testimony of William Lentz.)

ship, but you do not always know just where all of them are?

A. Oh, yes, I do. They are working on the ship.

Q. You know just where they all are?

A. I know where they are working.

Q. Your remembrance of this lot of material shown by these cards, and your remembrance of its use on the "Hilonian," is [857—769] dependent entirely on your examination of the cards, is it not?

A. Yes, sir.

Q. You could not, of course, remember this material that is put in there so long ago unless you had the cards to assist your memory?

A. I have done a whole lot of it myself and I could pretty nearly place it.

Q. But the cards assist your memory?

A. Yes, sir.

Q. The work that is not done by you with the material that is shown by these cards, how can you remember that work as having been work put in to the "Hilonian"?

A. I went around and seen them jobs; if I did not handle the job I seen that the job was in, and I seen that the men were working on it.

Q. You do not remember, now, going around and seeing, for instance, that that 10-5½ inch by 2 inch bolts were put in the ship at any particular place?

A. Does it not say where it is used?

Q. That is the point. The card does say where it is used.

A. Yes, sir.

Q. And that assists your memory in saying that

(Testimony of William Lentz.)

the card is right, does it not? A. Yes, sir.

Q. And if it were not for the fact that the card said where it was used, you could not remember it?

A. I could come pretty near it.

Q. You could not do it?

A. I could come pretty near doing it.

Q. What do you mean by "you could come pretty near doing it"?

A. If you would read something I could come pretty nearly placing it. [858—770]

Q. Without looking at the card? A. Yes, sir.

Q. Here is one, "3-inch flange," appearing on your card 3275. A. 3 lbs., is it not?

Q. "3-inch flange, 3 lbs." A. 11½, 3 lbs.

Q. No, I am reading from the card. It is "3-inch flange, 3 lbs." Where was that put?

A. Read some more on that paper.

Q. But the others are not flanges.

A. Read some more and I might be able to tell you where it was placed.

Q. Yes. It is the association on the card that enables you to tell where it is put.

Mr. FRANK.—Do not argue with the witness.

Mr. McCLANAHAN.—I will conduct my examination just as I please.

Mr. FRANK.—You will not. You will conduct your examination according to legal rules. If I could object and if I could get a ruling you would be stopped.

Mr. McCLANAHAN.—You can object, but I will do as I please.

(Testimony of William Lentz.)

Mr. FRANK.—If you do right you will attempt to conduct it legally.

Mr. McCLANAHAN.—That is just what I am doing, in my opinion.

Mr. FRANK.—Very well.

Mr. McCLANAHAN.—Mr. Reporter, read what I suggested to the witness before the interruption was made.

(The Reporter reads the question.)

Q. Is that right?

A. That is the word stating on the bottom what it is used for, by the association?

Q. No. You asked me to read some other items on this card, I [859—771] am examining you on, so as to enable you to tell me where the 3-inch flange was used. I asked you if it was not the association of the 3-inch flange with other work on the card, that enables you to tell where the 3-inch flange was put. I am perfectly frank to tell you I am examining you on a card that was not written out by you but was written out by somebody else.

A. I asked you if you would read some more on the card that I could collect them together with the 3-inch flange.

Q. I will do that, but you cannot tell me where the 3-inch flange went until I do that?

A. No, sir, I guess I could not.

Q. Then I will read some more; "One 3-inch to 1½ bushing; one 1½ inch union black"; does that help you any?

A. If I am not mistaken, I think that was used

(Testimony of William Lentz.)

on the air line or steam line.

Mr. FRANK.—Why not give him the benefit of knowing whether he has answered right or not?

Mr. McCLANAHAN.—I do declare. That is the funniest suggestion I ever heard of. You can re-examine him.

Mr. FRANK.—Give me the number of the card.

Mr. McCLANAHAN.—A3275.

Q. If that 3-inch flange was used on the air line or the steam line, how do you determine that it was, now, because I have read other articles to you that must necessarily have been used on an air line or steam line? A. I did not catch that quite right.

Q. Read the question, Mr. Reporter. (The Reporter reads the question.) In other words, Mr. Lentz, did some of the articles that I have read to you, aside from the flange, necessarily apply to the air line or steam line? [860—772]

A. Yes, sir, they did.

Q. That is what I thought. It was that fact of association that enables you now to say that the flange might have been used on the air or steam line.

A. Might have been used; yes.

Q. Now, I ask you in regard to your card, A3277, another card made out by someone else, and ask you if you can tell me now where one 2-inch sleeve, shown by that card, was used.

A. I could not tell you that.

Q. Can you tell me where one 2-inch ell was used?

A. One 2-inch elbow. It was liable to be used on any part of the ship where a 2-inch line runs.

(Testimony of William Lentz.)

Q. So that you would not want to swear now that the one 2-inch sleeve, and one 2-inch ell shown by this card were actually used on any part of the ship, would you, it being a card not in your handwriting.

A. If it is on that card it was used on the boat.

Q. Why do you say that?

A. Because I know it was.

Q. How do you know? A. How do I know?

Q. Because the card says so?

A. The card says so; yes.

Q. And that is the reason you know?

A. Yes, sir.

Q. In other words, you have faith in these cards that makes you speak for their verity now?

A. Yes, sir.

Q. Even though the cards may show work that you cannot identify now?

A. That is a pretty long time back to think of all that stuff.

Q. I know it is, but you verify these cards now because you have faith in the cards themselves.

A. Yes, sir.

Q. And not because you can remember back?

A. I can remember back lots of it. [861—773]

Q. And place all of the work?

A. Not all of it. I do not say all of it.

Q. For instance, here is a card made out in your own handwriting, F4967 "one flange 3-inch." I will read you the whole card: "4 11½ black ell. 40 feet 11½ black pipe. 4½ inch black plug," and on the card there is no designation where it was used or

(Testimony of William Lentz.)

what it was used on. It would be pretty hard for you to remember now where that was used, would it not?

A. Yes, sir, it would. I might if I had the card pretty nearly study it out. Is there no marking on that?

Q. No marking. I will show you the card. So that looking at the card does not assist you, does it, in telling you where it was used?

A. No, sir, it does not assist me in that way now; no.

Q. I will show you another card, Mr. Lentz, F4968, and I pick these cards out at random. This card is in your handwriting, and I suppose you can tell where that material was used? A. Yes, sir.

Q. You can tell that because it shows on the card?

A. Yes, sir.

Q. And that is the only way you can tell, is it not?

A. Yes, sir.

Q. And this being in your handwriting, you know that it was used on the air line, don't you, because you probably used it yourself?

A. Yes, sir, I used it myself.

Q. You used it or saw that it was used?

A. Yes, sir.

Q. Because you got the material?

A. Yes, sir.

Q. When it comes to a card where the card has been made out by somebody else, and there is no mark of identification on it [862—774] as to where it was used it becomes a difficult matter for

(Testimony of William Lentz.)

you to verify the card, does it not?

A. Right now, yes.

Q. And your only verification of it comes from the fact that it is on one of the United Engineering cards written by a man under you at the time?

A. If that man wrote that card out and put that number for that job on there that stuff went down to that job.

Q. That is your belief, is it?

A. Yes, sir, I believe it went down there; I am sure of it.

Q. I see a card here made out by somebody, A6037 "5 lbs. rags." Can you tell me where they were used?

A. Yes, sir, in the pipe-shop, on the machines. When a man handles that pipe and stuff his hands get dirty and he cannot handle everything with his hands if they are dirty, and he uses the rags to wipe them off.

Q. These rags were then used in the pipe-shop?

A. For the handling of the pipes for the boats.

Q. What are these check marks that I find on some of the cards? What do they mean?

A. I don't know what they are.

Q. You did not put them there?

A. No, sir.

Q. Could any man under you on this job go to the place where these slips were kept and make one out, and have it honored at the storeroom?

A. Men working for me make one out, and take it to the storeroom and have it honored?

(Testimony of William Lentz.)

Q. Yes. A. He could, yes.

Q. He could do that without consulting you?

A. I trust the men, yes.

Q. The card is made out completely before it is taken to the storeroom, is it? That is, there is placed on it the date, [863—775] the job number and the material wanted before it is taken to the storeroom? A. Yes, sir.

Q. The storekeeper simply receives that card and honors it, does he not?

A. When he has got the numbers of the jobs on it, and got the signature of the foreman then he takes it. If he has not got the numbers he hollers about the number and makes them get the number.

Q. If the card has a number on it and the signature of the foreman written by him in person or someone else, then it is honored without question at the storeroom? A. Yes, sir.

Q. In other words, the storekeeper has not any questions to ask.

A. As long as he sees the signature on it.

Q. And the job number on it?

A. And the job number on it.

Redirect Examination.

Mr. FRANK.—Q. Mr. Lentz, you were working on this job, were you not? A. Yes, sir.

Q. You knew what material was necessary in order to do the work that was called for under the specifications that were handed to you?

Mr. McCLANAHAN.—That is objected to as improper redirect examination, leading and suggestive.

(Testimony of William Lentz.)

A. Yes, sir.

Mr. FRANK.—Q. You say you are sure that this material, whether it is on an order slip signed by you or signed by one of your men, went into that job? A. Yes, sir.

Q. By what means are you sure of that?

A. By what means am I sure of it?

Q. Yes.

A. Well, generally as a rule when the job came up the engineer when he had the job, or the machinist foreman when he had the job, came to me and I went down and looked at it and [864—776] I went to work and got the man to do the job, brought him down and showed him what was wanted. Then he came to me for the fittings, if I was there, if not he would write them out himself.

Q. You knew what fittings were necessary for the job? A. Yes, sir.

Q. Would you superintend the job to see that it was properly done?

Mr. McCLANAHAN.—That is objected to as leading and suggestive.

A. Yes, sir.

Mr. FRANK.—Q. And when you superintend the job you would know whether or not that material had gone into it?

Mr. McCLANAHAN.—I object to the question as leading and suggestive.

Mr. FRANK.—It may be.

A. Yes, sir.

Q. Now, taking up A3252, “material used on

(Testimony of William Lentz.)

blanking''? A. Blanking flanges.

Q. Is that material necessary for that purpose?

A. Yes, sir.

Q. You know that is necessary for blanking?

A. Yes, sir.

Q. You know also that blanking was done?

A. Yes, sir.

Q. Can you say the same of each one of the other cards that do not bear your individual signature?

Look them over. A. Yes, sir.

Q. There is A3275? A. Yes, sir.

Q. A3277? A. Yes, sir.

Q. F4958? A. Yes, sir.

Q. F4959? A. Yes, sir. [865—777]

Q. Now, without my giving each one of them, go through each one of the cards there that do not bear your individual signature and state whether or not you know that that material was necessary for the job.

Mr. McCLANAHAN.—I object to the question as incompetent, irrelevant and immaterial.

A. (After examination.) Yes.

Mr. FRANK.—Q. Have you gone through those?

A. Yes, sir.

Q. What is the answer?

A. I find them correct.

Q. By "correct" you mean that they were necessary for the job? A. Yes, sir.

Q. You said something about being on and off the ship. What do you mean by that?

A. Just as I said. I went down to figure up the

(Testimony of William Lentz.)

job and measure up the job, got it measured and came back to the shop and got my pipe.

Q. After you got your pipe, what would you do?

A. Take it to the shop and cut it, and then take it down on the boat.

Q. Take it down on the boat? A. Yes, sir.

Q. So far as the men who were working in other parts of the ship were concerned, what did you do towards supervising them?

A. I went around to see how they were getting along with this job. When they got through with their job they came and told me and I got another job for them.

Q. Did you examine their jobs when they got done?

Mr. McCLANAHAN.—I object to the question as leading and suggestive.

A. Yes, sir. [866—778]

Mr. FRANK.—Q. So that you kept track of all of your men no matter what part of the ship they were in?

Mr. McCLANAHAN.—I object to the question as leading and suggestive.

A. Yes, sir.

(An adjournment is here taken until Monday, September 11th, 1911, at 9:30 A. M.) [867—779]

Monday, September 11th, 1911.

[Testimony of Henry Mockel, for Libelant.]

HENRY MOCKEL, called for the libelant, sworn.

Mr. FRANK.—Q. Mr. Mockel, you were working with the United Engineering Works in August and

(Testimony of Henry Mockel.)

September, 1909? A. Yes, sir.

Q. In what department?

A. In the anglesmith department.

Q. What were you—helper? A. Helper.

Q. You are not with the Engineering Works now, are you? A. No, sir.

Q. When you were doing that work, where did you get your job numbers? A. Through Gardiner.

Q. What did you do with them? Did you make any record of them at all?

A. Only on a furnace-head, that is all.

Q. On a furnace-head? A. Yes, sir.

Q. How did you keep your time?

A. On the furnace-head until the evening.

Q. How did you note it? How did you know what time you began on the job and what time you ended?

A. I generally looked at my watch whenever I started.

Q. And when you stopped, what did you do?

A. I looked at the watch; not every time.

Q. How did you tell then when you did not look at your watch? Who was working with you?

A. Haglund.

Q. And who else? A. Gardiner.

Q. All three of you working on the same piece and at the same time?

A. All three of us working on the same piece and at the same time.

Q. And all kept your time together?

A. We always kept our time together. [868—780]

Q. That was on this furnace-head?

(Testimony of Henry Mockel.)

A. On this furnace-head.

Q. When you got done with the piece if you did not look at the watch, would somebody else look at the time?

Mr. McCLANAHAN.—I object to that as leading and suggestive.

A. No, sir, there was no one else had any time with them. I was the only one of the three that had a watch.

Mr. FRANK.—Q. You handled the watch?

A. I had my own watch.

Q. How was it that you did not look at your watch when you stopped? How would you tell on those occasions how many hours you worked on a particular piece of work?

A. I could not answer that question. I generally got it from Gardiner. I got that time from Gardiner.

Q. You got it from Gardiner? A. Yes, sir.

Q. You were working in the blacksmith-shop, weren't you?

A. Attached to the furnace in the blacksmith-shop.

Q. Do you know whether or not there was a time-piece or clock in the blacksmith-shop?

A. I don't remember that.

Q. You don't remember? A. No, sir.

Q. I will show you cards dated August 30th, September 7th, 8th, 10, 12th, 13, 14th, 15th, 16th, 18th, and either the 20th or 21st, I don't know which it is—I think it is the 21st and the 23d—and ask you if these are cards made out by you at that time, in your

(Testimony of Henry Mockel.)

own handwriting.

A. (After examination.) Everything is my writing on it, but these red marks where it has been changed.

Q. The red marks? A. The red ink marks.

Q. When were these cards made out?

A. In the evening.

Q. From what?

A. From the time in the morning, do you mean?

Q. No. I mean, where did you copy them down from? [869—781]

A. Where we were working in the shop.

Q. I mean, what did you copy them from? You had a record, you told me.

A. Yes, sir, from the boiler-head—I meant to say the furnace-head.

Q. You say “we.” Do you mean you and Gardner and Haglund? A. Yes, sir.

Q. You had one record for all three of you?

A. Yes, sir.

Q. And each of you copied from that record; is that right? A. Yes, sir.

Mr. FRANK.—I offer these cards in evidence and ask that they be marked respectively Henry Mockel No. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13, consecutively.

Mr. McCLANAHAN.—I object to the offer upon the ground that the cards are incompetent, irrelevant, immaterial, hearsay, self-serving; not binding on the respondent, and each of them.

(Testimony of Henry Mockel.)

(The cards are marked “Henry Mockel No. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13.”)

Mr. FRANK.—Q. After you had written the cards, what did you do with them?

A. Do you mean where I put them into?

Q. Yes.

A. In the box in the evening when we were going out.

Q. In the office? A. Yes, sir.

Mr. FRANK.—I offer the clock cards of September 11th and September 25th, and ask to have them marked Henry Mockel 14 and 15.

(The clock cards are marked “Henry Mockel No. 14 and 15.”)

Cross-examination.

Mr. McCLANAHAN.—Q. Mr. Mockel, who would do the writing on your furnace-head?

A. Why sometimes I would do it and sometimes Haglund and sometimes Gardiner. [870—782]

Q. No particular man did that?

A. No particular man.

Q. What is it exactly that you would put down on the furnace-head when you completed the work?

A. I put down just the piece of work we were working on and the number. Sometimes we would put the number first and the piece afterwards.

Q. And you would carry the time when you looked at your watch, in your head, would you?

A. Yes, sir.

Q. You don't just remember now how you got the time, when you did not look at your watch after it

(Testimony of Henry Mockel.)

was completed?

A. Gardiner was the one that told me to put the time down when I did not look.

Q. You don't know where he got his time?

A. No, sir, I could not tell you.

Q. Was he your boss or foreman?

A. He was the boss.

Q. Did you get your finishing time for the particular jobs from him always?

A. You mean at 5 o'clock?

Q. No, I mean when you finished a particular job, if it was not quitting time, did you get your finishing time from him on that job always?

A. No, sir, not always.

Q. Sometimes you would get it from your own watch?

A. Yes, sir; I would look at my watch and tell him about it.

Q. When you did not look at your watch and tell him, he would tell you? A. He would tell me.

Q. And you don't know where he got it from?

A. No, sir, I don't.

Q. But you would put down the time when he told you, on the cards? A. No, sir.

Q. You cannot, by looking at the cards now, tell the cards that you have last referred to, that is, the cards that show time [871—783] given to you by Gardiner? A. No, sir, I could not.

Q. You could not tell by looking at them now?

A. No, sir.

Q. Some of these cards may represent the time

(Testimony of Henry Mockel.)

taken by yourself, and some may represent the time told you by Gardiner; is that right? A. Yes, sir.

Q. Do you remember Mr. Gardiner's initials—his given name?

A. I used to call him Charlie, but he always saw my time before it went in every night.

Q. We will say you are now working on a day when you have a number of job numbers. You commence on the first one and you finish it up, say, in an hour and a half after commencing. Do you carry that hour and a half in your head and wait until night to put it down? A. Yes, sir.

Q. You do not put it down anywhere.

A. No, sir, I have not put it down.

Q. Say the second job; if that takes a half an hour, you bear that in mind?

A. I bear that in mind.

Q. When you did look at your own watch to ascertain the time that you were working on a particular piece, did you figure out the exact time that you worked on it?

A. No, sir, not right to the minutes or anything like that.

Q. Within a minute or so?

A. No, sir; not within a minute or so.

Q. Did you have a rule or practice or custom with reference to putting down the time when you looked at your watch and put it down yourself?

A. I will tell you in fact I did not know much about the time. I was not working at it very long. That is about all the work I did do over there, so

(Testimony of Henry Mockel.)

right after that I left the place; as soon as the job was finished I left the place, so I don't remember exactly about how the time-cards were made. In fact, I never read the rules on the back, anyway.
[872—784]

Redirect Examination.

Mr. FRANK.—Q. Now, let us see whether I understand you, Mr. Mockel. On your direct examination you said that you took the time, and when you finished the job you put down the length of time you worked on each job on the furnace-head. On your cross-examination this gentleman asked you whether you put it down that way or not, or whether you carried it in your head until night. You said you carried it in your head until night. Which is right? A. I carried it in my head until night.

Q. What did you put the job number down for if you did not put your time down?

A. To keep the number of each job that we were working on.

Q. What did you look at your watch for?

A. To keep the time in my head.

Q. To keep the time in your head? A. Yes, sir.

[Testimony of Joseph Larraondo, for Libellant.]

JOSEPH LARRAONDO, called for the libellant, sworn.

Mr. FRANK.—Q. You were working in August and September, Mr. Larraondo, 1909, in the United Engineering Works? A. Yes, sir.

Q. As a machinist?

A. Yes, sir, as a machinist.

(Testimony of Joseph Larraondo.)

Q. How did you keep your time that you worked on the several jobs?

A. I always used to carry a piece of paper in my pocket; as soon as I started to work on a job I wrote down the time. When I got through with it I wrote down how long I worked on it. After working hours were over I wrote it down on my time-card.

[873—785]

Q. Where did you get your job numbers from?

A. From the drawings.

Q. From the drawings?

A. That is from the sketch that they gave us in the shop.

Q. From the sketch?

A. Sometimes it was painted on the job with white lead.

Q. It was painted on the job with white lead?

A. Yes, sir.

Q. I now show you a series of cards dated September 12th, 13th, 14th, 15th, 16th, 17th, 20th and 21st, being part of "Adamson Exhibit No. 39," and ask you to look over them and state whether or not they are in your handwriting and each of them made out in the manner you have just testified to.

Mr. McCLANAHAN.—I object to the question upon the ground that the cards have already been identified by Adamson and form part of his Exhibit No. 39, on the ground that it is cumulative, and on the ground that further examination on the cards is encumbering the record. A. They are all mine.

Mr. FRANK.—Q. All yours? A. Yes, sir.

(Testimony of Joseph Larraondo.)

Q. Made out in the manner in which you have testified to? A. Yes, sir.

Mr. FRANK.—I reoffer these cards in evidence, the same being part of “Adamson Exhibit No. 39.”

Mr. McCLANAHAN.—I object to the offer on the ground that they are incompetent, irrelevant, immaterial, hearsay, self-serving, not binding on the respondent.

Mr. FRANK.—Q. Now, I show you cards dated respectively August 31st, September 1st, 2d, 3d, 4th, 7th, 10th and 11th, being part of “Adamson Exhibit No. 40,” and ask you whether those are in your own handwriting and made out in the manner you have already testified to. [874—786]

Mr. McCLANAHAN.—I object to the question upon the ground that the cards have already been identified by Adamson and form part of his exhibit “No. 40,” upon the ground that it is cumulative, and on the ground that further examination on the cards is encumbering the record.

A. Yes, sir, they are all mine.

Mr. FRANK.—Q. They are all yours?

A. Yes, sir.

Q. Made out in the manner you have testified to?

A. Yes, sir, in the same manner.

Mr. FRANK.—I reoffer these cards in evidence, the same being part of “Adamson Exhibit No. 40.”

Mr. McCLANAHAN.—I object to the offer upon the ground that it is incompetent, irrelevant, immaterial, hearsay, self-serving and not binding on the respondent.

(Testimony of Joseph Larraondo.)

Cross-examination.

Mr. McCLANAHAN.—Q. Are you still working for the United Engineering Works? A. Yes, sir.

Q. Do you keep your time now as you did then?

A. Yes, sir, the same thing.

Q. Did anybody check over your time where you entered it on your card?

A. The card is checked in the office, I suppose.

Q. What did you use to keep your time with, a watch or clock? A. A clock.

Q. To put down on this little slip of paper the time you commenced the job? A. Yes, sir.

Q. And you would look at the job when it was finished? A. Yes, sir, that is what I used to do.

Q. What did you put down then?

A. Just so many hours that I worked on the job.
[875—787]

Q. So if you commenced at 10 o'clock and stopped at 11, you would put down one hour? A. Yes, sir.

Q. And so on until you had used up the nine hours? A. Yes, sir.

Q. Did anyone tell you to keep this time on a slip of paper?

A. Nobody did, but I don't want to bother with the time-card, I don't want to get it dirty.

[Testimony of David Doig, for Libelant.]

DAVID DOIG, called for the libelant, sworn.

Mr. FRANK.—Q. Mr. Doig, you were employed in the United Engineering Works in August and September, 1909? A. Yes, sir, about that time.

Q. In what capacity?

(Testimony of David Doig.)

A. As a machinist, when I first went there.

Q. I mean in August and September in what capacity were you, in 1909? A. In what capacity?

Q. Yes. You were foreman, weren't you?

A. Not at that time when I first went there.

Q. I am not asking you about when you first went there in August and September, 1909.

A. Yes, sir, foreman.

Q. You are not over there any more, are you?

A. No, sir.

Q. When acting as foreman over there, I presume your business was to superintend the work of the machinists at the machines. A. Yes, sir.

Q. How did you keep track of your time?

A. I kept a record of it with a little tag-book I had in my pocket of certain jobs, certain numbers, all day long.

Q. Well, would you be a long time at one job, or were you passing from job to job?

A. Job to job all day long. [876—788] It might be 5 or 10 minutes or a quarter of an hour, and go back again; keep going backwards and forwards all day long on certain numbers.

Q. There were times when there was only one number that you were working on, was there not?

A. No, sir, there would probably be 20 or 30 numbers during the day.

Q. I show you a card bearing your name, of September 12th, in which there is only one number on it. Did you give all your time to that number on that day?

(Testimony of David Doig.)

A. I don't know anything about that.

Q. You don't know? A. No, sir.

Q. Why don't you know?

A. The timekeeper made my time out. I give him the number of my jobs every morning, the jobs I had been working on during the day, and the time on different numbers.

Q. You would give him the numbers you were working on and the time you were working on each number?

A. Just on a slip, and pass it in every morning.

Q. And he would copy it on to the time-card?

A. He would put it down there.

Q. If that is so, do you mean to say there was more than one number on the slip of that day?

A. Oh, my, yes; in cases there were.

Q. On this particular day?

A. On that particular day? (After examination.) I must have been working on that job all day.

Q. In the other cases where there are two or three numbers, I will show you a card of August 27th, would you be working upon those numbers and no others during that day?

A. I had been working on these numbers sure all day long, backwards and forwards. [877—789]

Q. Then, as I understand you to say, you made out your numbers and the time you put in on each number and passed them in on a slip?

A. On a slip to the timekeeper and he made the cards out.

(Testimony of David Doig.)

Q. Instead of your copying them on to the cards yourself? A. Yes, sir.

Q. In the case where you would be working on two or three different numbers, and passing from one to the other, how did you keep track of the time that was to be charged to each number?

A. I just had to divide it up the best I knew how. It was a hard thing for me to do. I had gone around the shop all day from one to another and had to divide it up the best I knew how. I could not stay on that particular job for an hour or two at a time.

Q. When you did divide it up what can you say with reference to the fairness with which you divided it up?

A. Just as honestly as I possibly could. If the job was a hard job to contend with I had to put more time in with it, and my time was more taken up with that job, my time went down on that particular work. All day long I had to contend with Mr. Purser, and he chased me all day long around the shop.

Cross-examination.

Mr. McCLANAHAN.—Q. How long have you been in the employ of the United Engineering Works?

A. About 11 years; somewhere about that.

Q. You are still with them, are you not?

A. Yes, sir.

Q. Employed on this side of the bay?

A. Yes, sir.

Q. Your duties were to go about your shop from

(Testimony of David Doig.)

one place to another, and from one man to another, and see that he was doing his work right?

A. Yes, sir. [878—790]

Q. Superintending the work? A. Yes, sir.

Q. You don't remember now, do you, particularly the work that you were doing in the shop in August and September, 1909? A. No, sir, I could not say.

Q. You had a good many shifts there, didn't you?

A. I could not remember that either; I could not exactly tell you.

Q. At any rate, when you worked a day in the shop, you worked on different jobs, did you not?

A. From one thing to another.

Q. From one thing to another? A. Yes, sir.

Q. Would the occasion ever arise when you worked all day long on one job?

A. Oh, yes. My attention has been particularly on one job all day long.

Q. What became of the other jobs while you were attending to that? They had no supervision?

A. There was nothing much to look about, and I had nothing to do. Adamson was helping me out once in awhile, and he would take a look around the shop the same as I would, and help me out.

Q. You do not mean to say there have been times when there was only one job in the shop on any particular occasion? A. Oh, yes.

Q. There have been times when there was only one job in the shop?

A. Yes, sir, only one job in the shop.

Q. You think, perhaps, in August and September

(Testimony of David Doig.)

there were such times?

A. I don't remember at that time, but I have seen only one job in the shop; that is one particular job, that I would have my whole attention paid to. [879—791]

Q. That is, because there would be one particular job?

A. There would be small things that would not amount to anything.

Q. How many men did you have under you at that time, in August and September, 1909?

A. Well, sir, I could not remember.

Q. Can you give me some idea? Twenty or thirty?

A. There were all of that I am sure, but I don't remember. I never kept track of the number of men under me.

Q. When you had but one job in the shop on any one day, would you still keep all your men at work?

A. No, sir.

Q. Lay them off, would you? A. Sure.

Redirect Examination.

Mr. FRANK.—Q. When the shop was running on holidays, Mr. Doig, would that be for the purpose of a single job?

Mr. McCLANAHAN.—I object to the question as not being proper redirect examination, suggestive and leading.

A. In some cases it was; in some cases it was not. There might be two jobs; I don't know; not especially on one job alone.

[Testimony of L. Wilhelmson, for Libelant.]

L. WILHELMSON, called for the libelant, sworn.

Mr. FRANK.—Q. Mr. Wilhelmson, you were in the employ of the United Engineering Works in August and September, 1909? A. Yes, sir.

Q. In what capacity? A. General foreman.

Q. General foreman? A. Yes, sir.

Q. In the capacity of general foreman did you have occasion to make out any stock order cards?

A. Yes, sir, I did when the occasion would call for it. **[880—792]**

Q. What would be the occasion?

A. In the momentary absence of the regular foreman, to facilitate the working and to save time.

Q. That is, would you go around the yard to the different departments?

A. My duty was to go all over as much as I possibly could, from one job to another.

Q. What would be the occasion of your making the order on a particular job?

A. I had to make myself acquainted beyond the question of a doubt at the time and know exactly what it was wanted for.

Q. How would you do that?

A. By the drawings, specifications, and actual seeing of the work.

Q. And actual seeing of the job? A. Yes, sir.

Q. And when you made the order state whether or not you would know that the particular thing ordered was necessary for the particular job.

A. When I made the order do you say?

(Testimony of L. Wilhelmson.)

Q. Yes.

A. You had better repeat that question over again.

Q. Read the question, Mr. Reporter.

(The Reporter reads the question.)

A. Yes, sir.

Q. Now, I show you a series of stock order cards, being numbered A78, A79, C5941, C5943, C5944, C5947, C5948, C5968, C5970, C5971 and C5972, and ask you to examine them and state whether or not those were orders for material made out by yourself.

A. (After examination.) This signature is mine.

Q. Go through them all and make one answer for them all.

A. They are all mine; that is all my signature.

Q. By "all your signature," what do you mean? They were all [881—793] orders issued by you?

A. They were signed by me after they were found correct.

Q. Where would you get the job numbers from?

A. The job numbers could be gotten from specifications as printed on drawings, as printed on sketches, and as marked on work.

Q. How did you verify the job number on these orders as being correct?

A. By the specifications, and knowing exactly where the work was being placed, that being the correct number, and knowing that said material was to be used on the job I affixed my signature.

Q. How did you keep track of the numbers for the different jobs? A. I had a printed list.

(Testimony of L. Wilhelmson.)

Q. From a printed list? A. I had a printed list.

Q. In case you were, say, on board of the “Hilonian” at the time some work was wanted there, how would you be able to consult your printed list?

A. I would have it in my pocket, or a copy thereof, either the regular printed list or a copy thereof. We had several around the shop.

Q. What, if any, examination would you make of the work itself?

A. What examination would I make?

Q. Of the work itself that required the material for which you gave the orders?

A. I would from time to time appear on the ship, of the different jobs, and see said work being done, and know by experience what constitutes the job, and actually see it there at that time.

Q. After you had given these orders what would be done with them?

A. They were taken to the storeroom, and the storekeeper would issue the material on the signature. [882—794]

Q. That is Mr. Roberts?

A. Mr. Roberts or his assistant.

Q. He would take up the order?

A. Yes, sir, he would take up the order.

Mr. FRANK.—Now, we offer these stock order cards in evidence and ask that they be marked collectively Wilhelmson Stock Card No. 1.

Mr. McCLANAHAN.—I object to the offer, and to each and every one of the cards, on the ground

(Testimony of L. Wilhelmson.)

that they are incompetent, irrelevant, immaterial, hearsay, self-serving and not binding upon the respondent.

(The stock cards are marked "Wilhelmson Stock Cards No. 1.")

Cross-examination.

Mr. McCLANAHAN.—Q. How many men were under you at the time that these cards were issued?

A. It would be very hard to tell.

Q. Several hundred?

A. I should judge it would be something like that.

Q. It would be your business to go about from place to place to see that these men were doing their work?

A. Yes, sir, and principally dealing with these different foremen.

Q. You were a pretty busy man, were you not?

A. Yes, sir; very busy.

Q. I understand the cards have your signature on them? A. Yes, sir.

Q. Were the cards written by you in the body?

A. Sometimes they would be and sometimes not.

Q. That is, when a man that you would be passing wanted something, he would present you with a card sometimes and you would look at it and sign it?

[883—795]

A. He would if he could not reach his own foreman. There were two foremen on the job.

Q. And you would sign the card?

A. I would sign the card to save delay. There were two foremen on the job, and if at any time one

(Testimony of L. Wilhelmson.)

could not be reached, I would look into the matter and affix my signature, otherwise it was entirely up to them.

Q. You are speaking now of what job when you say there were two foremen on it?

A. These particular job numbers.

Q. What job numbers do you refer to?

A. On the cards.

Q. Don't you refer to the "Hilonian" job?

A. Yes, sir.

Q. I see that there are but three job numbers on these several cards, 5325, 5295 and 5398. Did the "Hilonian" have more than three job numbers?

A. I could not tell the number or numbers, but it occurs to me it is all of that, a good many numbers.

Q. You don't remember, now, the job number of the "Hilonian"? A. No, sir, I could not possibly.

Q. I call your attention to your slip "C5941." How can you tell now, Mr. Wilhelmson, that that was "Hilonian" work shown on that card?

A. I knew at the time the job number.

Q. And you think that the right job number has now been presented to you at this hearing?

A. Yes, sir.

Q. You believe that? A. I believe so.

Q. And it is on your belief that the right job number was presented to you, that you can say that that was "Hilonian" work? A. Yes, sir.

Q. Of course these several items shown by this card was not followed up by you. You did not see the men use them?

(Testimony of L. Wilhelmson.)

A. Probably I did, yes. [884—796]

Q. Probably you did. Are you willing to swear, now, that you saw the men use the material shown on those cards?

A. I could not say which of them, but very often I did.

Q. Very often you did? A. Yes, sir.

Q. But you would not want to swear, now, that you saw them use all of the material on those cars?

A. I could not say that.

Q. How long have you been with the United Engineering Works?

A. To the best of my knowledge, over four years.

Q. Are you with them still?

A. I am with them still.

Q. Still a general foreman? A. Yes, sir.

Q. Did you, Mr. Wilhelmson, know how these job numbers were apportioned, what particular part of the ship, or the work on what particular part of the ship was given a number.

A. The number was given through an office order.

Q. You did not know anything more about it than that?

A. Specifications would follow along with it.

Q. They would pass into your hands, the specifications would? A. Yes, sir, always.

Q. Do you remember these specifications for the "Hilonian" job?

A. That would be very hard to remember.

Q. Would you recognize them if I should show them to you now? A. I guess I would.

(Testimony of L. Wilhelmson.)

Q. I show you a piece of paper and ask you if you can identify that as the original specifications of the "Hilonian" work.

Mr. FRANK.—I object to that as not being cross-examination and not affecting any matter at all that was referred to on the direct examination, and on the further ground that it is immaterial.

A. Is that all right? [885—797]

Mr. FRANK.—Q. You can go on and give such answer as you see fit. I do not mean to direct you one way or another.

A. I don't know if it is proper for me—

Mr. McCLANAHAN.—Q. You have not looked at them yet? A. I am looking at them now.

Q. Look at them before answering. (Addressing the Reporter.) Let it appear, Mr. Reporter, that the witness is looking at the exhibit attached to a copy of respondent's answer furnished by the libelant.

Mr. FRANK.—It is not a question of being furnished by the libelant. I object to it.

Mr. McCLANAHAN.—Produced by the libelant.

Mr. FRANK.—I object to that. Show him your own copy. I object to being bound by anything that is in that specification. Show him your own. That part of the record I think you may as well strike out, Mr. Bennett.

Mr. McCLANAHAN.—I beg your pardon. Let it stay there.

Q. I hand you now a piece of paper headed "Exhibit 1," which is a part of the copy of our answer filed in this case, and ask you to examine it, Mr. Wil-

(Testimony of L. Wilhelmson.)

helmson, and see if you can recognize in the paper the original specifications for the "Hilonian" work.

Mr. FRANK.—The same objection as to the former question.

A. That is all, those two pages.

Mr. McCLANAHAN.—Q. Yes, those two pages.

A. It is very much alike.

Q. Very much alike? A. Yes, sir.

Q. That is, it is very much like the specifications that you saw originally?

A. Yes, sir, which I had.

Q. That work when it first came into your hands had a job number on it, did it?

A. Yes, sir, always. [886—798]

Q. The original specifications of the "Hilonian" work when it came into your hands, had a job number on it?

A. Yes, sir, apportioned in the office. The order clerk gives the number, and it must be followed."

Q. What do you mean by "apportioned"?

A. The specifications are entered in the office and given a number, and we get the number; that is all.

Q. That is what you mean by "apportioned"?

A. Yes, sir.

Q. And that is called the job number?

A. The job number.

Q. That job number follows the work all through the process? A. All through.

Q. Until the job is completed? A. Yes, sir.

Q. And where there are changes in the original specifications the changed work is given a new job

(Testimony of L. Wilhelmson.)

number, is it not?

A. If the representative states any changes, and gives an order, a new number will be given.

Q. By "representative" you mean representative of the ship? A. Or anybody that has authority.

Q. I am speaking of a change in the original specifications for work? A. Yes, sir.

Q. I will say, "here is a certain item of specification which by consent of the parties is changed, and other work is substituted for it." That substituted work is given a new number, is it not?

A. Yes, sir. I had no authority to change.

Q. And in that way you keep track of this changed work by the new number?

A. I must keep track of the different numbers; yes. [887—799]

Q. And the work under it? A. Yes, sir.

Q. In other words, all the work done in your shop is given a number that remains with it until the work is completed? A. Yes, sir.

Redirect Examination.

Mr. FRANK.—Q. Mr. Wilhelmson, you do not undertake to say that what is shown you here as being appended to the pleadings of this gentleman, was the copy of any specifications that were handed to you in 1909 with reference to the "Hilonian," do you?

A. I merely said that the specifications I just saw there was very much similar, or almost identical, with what we had at the time.

Q. Do you remember that?

(Testimony of L. Wilhelmson.)

A. Remember the specifications?

Q. Yes. A. Yes, sir, very much so.

Q. But you do not know now what changes were made in those specifications?

Mr. McCLANAHAN.—I object to the question upon the ground that the witness has not stated there were any changes made.

Mr. FRANK.—Yes, he has.

Q. Just answer yes or no.

A. To the best of my ability and memory there were changes, but it is utterly impossible for me to remember all the changes. You ought to know that. You will allow that, and any such change had to be passed by an authority and given a job number before I could ever act on it.

Q. In other words, you had nothing to do with making job numbers or turning out specifications?

A. I have not.

Q. All you do is, you receive the job numbers and such specifications [888—800] that come from the office and see that they are carried out in the work?

A. See that they are carried out.

Q. What the cause or reason or nature of the changes are, you have no knowledge of?

A. No, sir, and I must always see that the proper man in authority makes the changes, sometimes to avoid mistakes and things like that, and see that the numbers are right.

Recross-examination.

Mr. McCLANAHAN.—Q. So that though you have not any remembrance now of the changes them-

(Testimony of L. Wilhelmson.)

selves made in the original specifications for the “Hilonian” work, you know that when they were made they were made with authority, and you passed on them?

A. Yes, sir. [889—801]

[Testimony of Henry Speed, for Libelant.]

HENRY SPEED, called for the libelant, sworn.

Mr. FRANK.—Q. You were the storekeeper on this side, were you, Mr. Speed? A. Yes, sir.

Q. And as such storekeeper you issued stores, did you not? A. Yes, sir.

Q. What track did you keep of the stores that you issued?

A. They were given to the people who gave orders to me for them or requested stores for the job.

Q. I show you a series of stock order cards which, for convenience of reference, I will fasten together, so that they may constitute a single exhibit in this case, and ask you to examine and tell us what they are.

A. This is the material given out on these different numbers, Mr. Frank.

Q. By whom?

A. By myself or some of my assistants.

Q. Well, in whose handwriting are they?

A. My own.

Q. They are all your own handwriting?

A. All my own handwriting.

Q. So that if it was given out by your assistants—

A. (Intg.) I should write the tag out.

Q. It would be done under your supervision?

(Testimony of Henry Speed.)

A. Yes, under my supervision.

Q. How would you secure the job numbers by which they were to be given out?

A. Well, knowing them from the frequency that I should run into them, and the men who would come to me for those articles would have the number and tell me what it was for.

Q. Did you have any means of verifying what the man said with respect to it?

A. In a great many cases the man would come to me with a paper, or some of the charges might be verbal, and were verbal from the machinist, or the man in charge came to the [890—802] shop—that is for the goods had in the city shop.

Q. I am asking you about the job number; did you have any means of verifying the correctness of the job number?

A. Only knowing that the number applied to the job they were working on.

Q. How would you know that the job number belonged to the job they were working on?

A. Because I had the numbers from the office.

Q. That is what I am getting at.

A. If a man gave me the wrong number, I should hold it up. I should find out where he got it, how it was wrong.

Q. Now, I notice on some of these cards a name like John—"Fenton," is it?

A. John Finn. This is a part that I put on that order so that the bookkeeper would not have any trouble in picking up the bill. You see, that is the

(Testimony of Henry Speed.)

galvanized iron that was sent to be galvanized.

Q. Delano.

A. That is another man we sent the work to, and it was put in this so that our bookkeeper would have no trouble in picking up the figures.

Q. I want to know what that name means.

A. That is the name of the man who performed some of that work.

Q. And who billed it to you?

A. The bill would come from these people; just simply the name of a firm that was doing some of the work for us.

Q. Now, this is a case of material issued—did you issue the material to that man on the work?

A. That gasket was got from Delano Brothers, bought from Delano Brothers by us.

Q. Did you buy it? A. We bought it.

Q. I do not mean “we.” I mean you, personally.

[891—803]

A. Well, for the shop, I wrote the order out for it.

Q. Crane Company; is that the same?

A. That is the same.

Q. P. H. & S.

A. Pacific Hardware & Steel, that means.

Q. Pacific Hardware & Steel Company?

A. Yes.

Q. Payne.

A. Payne. That is just a thing I add, so that the bookkeeper would be helped in picking up these bills.

Q. That is Delano Brothers. A. Yes.

Mr. FRANK.—We offer these in evidence and ask

(Testimony of Henry Speed.)

that they be marked Speed Stock Order Card No. 1.

Mr. McCLANAHAN.—We object to the cards, and to each of them, on the ground they are incompetent, irrelevant, immaterial, hearsay, self-serving, and not binding on the respondent.

(The cards are marked “Speed Stock Order Card No. 1.”)

Cross-examination.

Mr. McCLANAHAN.—Q. Mr. Speed, what would you do with these after they were honored?

A. Send them to the office.

Q. And what would they be used for there?

A. The material would be taken from those tags by the bookkeeper and put on the construction sheets; that is the construction sheets that are kept for the purpose afterwards of making up the bills, and keeping a check on the material.

Q. In other words, the bookkeeper would take these and charge to each particular job number the work found on the tag; that is it, is it?

A. Yes, sir.

Q. You do not know that these numbers appearing on here are “Hilonian” job numbers, do you?

A. Well, I must have known because all these numbers were issued to us people at the time we got the job; there is a card given to us with the numbers of the different jobs. [892—804]

Q. I mean, you do not know them to be “Hilonian” job numbers now?

A. Some of them I do, some of them I cannot.

Q. What numbers do you know to be the “Hilo-

(Testimony of Henry Speed.)

nian" job numbers? A. 5925.

Q. 5925? A. Yes.

Q. 5295, you mean?

A. 5295; 5325; 5398. That one I am not so dead sure of, I don't remember.

Q. You are pointing to 5360 when you say you are not so dead sure of it?

A. Yes, sir. There is so many of those numbers, you cannot keep them in your mind, all of them.

Q. When a man would come to you wanting material you would sometimes ask him what the job number was, would you not? A. Yes.

Q. And you would put it down on here?

A. Yes; if he gave me a number that did not belong to that, I should find out where he got it.

Q. If it did not belong to what?

A. If he gave me another number.

Q. Another number than what?

A. Than that belonging to the job that he was working on.

Q. How would you know he was working on any particular job?

A. I should know by the number he gave me.

Q. Suppose you did not know the number.

A. I should know where he was working.

Q. If he was working on the other side of the bay—

A. No, not on the other side of the bay. That is on this side.

Mr. FRANK.—All that is on this side.

Mr. McCLANAHAN.—All is on this side.

(Testimony of Henry Speed.)

The WITNESS.—We get to know the men that are on jobs. When [893—805] a man comes, we know a man is working on a certain job; he is not taken off unless the job is through or he gets discharged, or something of that kind.

Q. You don't know that any of these went into the "Hilonian," do you?

A. Well, it was all intended to go there. I did not put it there or anything of that kind, but it was given to him for that purpose; whether it landed there or not, my impression is it did so or the job would never have been finished.

Mr. FRANK.—Q. The job would never have been finished?

A. It never would have been finished; the ship could not have gone to sea; the very fact of her having done so shows the material went somewhere.

[Testimony of Manuel Mange, for Libelant.]

MANUEL MANGE, called for the libelant, sworn.

Mr. FRANK.—Q. Mr. Mange, you were working for the United Engineering Works in August and September, 1909? A. Yes, sir.

Q. In what capacity? A. Driving a team.

Q. As driver of the team what, if anything, did you have to do with the weighing of the castings?

A. Well, I had to get my castings and weigh them out.

Q. Weigh them out? A. Yes, sir.

Q. When the weights of the castings were taken what did you do with respect to weighing them out?

A. Well, I generally took my patterns one day or

(Testimony of Manuel Mange.)

two days before, and then when I am supposed to get the castings I go over and pick up my own castings, the patterns I had taken before.

Q. I am asking you about weighing them, about the weight of the castings. Who would weigh the castings? [894—806]

A. I always weighed them up or the foundryman. I picked up my own castings and put them on the scales and weighed them up.

Q. Weighed them up? A. Yes.

Q. And took the weights?

A. Yes, and put them down on this.

Q. I show you Libellant's Exhibit No. 2 and ask you to go through them, looking at the column "Weights in Pounds," and tell me in whose hand the figures, those weights, are in each case.

A. Well, that is my figure right there.

Q. Go through them all and make one answer for all, if you can, and if there are any that are not in your handwriting pick them out. A. Yes.

Q. Have you looked over them?

A. Yes, they are all my figures except the totals.

Q. What do you mean by the totals?

A. Well, they are all my weights except these figures—the weights of the castings are all mine, but not those totals.

Q. The weights in pounds, in that column, are all yours? A. Yes, they are all mine.

Q. When did you put them in there?

A. As soon as I got my castings, as soon as I weighed them up.

(Testimony of Manuel Mange.)

Q. As soon as you weighed them?

A. Not on these, on the other tags; ones like this.

Q. On the yellow tags?

A. That is the ones I generally kept on my files; as soon as I weighed up my castings I put it down on that.

Q. On the yellow tag?

A. Yes. And then a day or two after I copied them from here to the white tags; those are the ones that go to the office.

Q. Then, as I understand you, you originally put them on the [895—807] yellow slips like the one that is in this file (pointing)? A. Yes, sir.

Q. And then copy them from the yellow slips on to the white slips afterward? A. Yes, I do.

Cross-examination.

Mr. McCLANAHAN.—Q. The foundryman sometimes weighs castings, don't he, Mr. Mange?

A. When he weighs up his castings I am always by the scales; he may walk up while I am weighing them there because every time he picks up the castings I pick up the castings myself, and I put it on the scales; he generally looks at the scales and I do at the same time, but I am the one that weighs up the castings; yes.

Q. What do you do with the yellow slips when you make them?

A. Put them away in the pattern-shop; we always keep them in the pattern-shop.

(An adjournment is here taken until to-morrow, Tuesday, September 11th, 1911, at 9:30 A. M.)
[896—808]

Tuesday, September 12th, 1911.

[**Testimony of L. K. Siversen, for Libelant.**]

L. K. SIVERSEN, called for the libelant, sworn.

Mr. FRANK.—I will state that this man has been working overnight, and we will only be able to hold him until about noontime, and he will have to come to-morrow. He wishes to leave at noontime so that he can get a little sleep. He is on a night shift and is not working for us.

Mr. McCLANAHAN.—He will be a long witness?

Mr. FRANK.—I do not know. We will see. I just wanted to make that provision so that he can get off and get a little rest this afternoon.

Q. Mr. Siversen, were you in the employ of the United Engineering Works in August and September, 1909? A. Yes, sir.

Q. You were working on the "Hilonian" were you? A. Yes, sir.

Q. In whose employ are you now?

A. The Southern Pacific Company.

Q. In what capacity were you working on the "Hilonian"? A. As foreman machinist.

Q. Foreman machinist? A. Yes, sir.

Q. You were foreman of the work of the men who were working on board of the ship? A. Yes, sir.

Q. What were your duties in that connection?

A. I was assigned a certain number of men to work for me, machinists and helpers, and it was my

(Testimony of L. K. Siversen.)

duty to place these men at work. I was given a set of specifications and was given orders about the work to go on with, the work to be done, and I placed the men accordingly to the best and most economic progress [897—809] of the work.

Q. That is, you got orders from the office?

A. Yes, sir.

Q. For what work was to be done on board of the ship? A. Yes, sir.

Q. And you attended to the details on board of the ship; is that it? A. Yes, sir.

Q. With respect to keeping track of your men, what did you do?

A. As far as the work was concerned?

Q. Yes.

A. If I had a certain number of men I would place each man at a certain job, and I would go around from time to time, from one man to another, and see that the man was doing the work right, and that the work was progressing as rapidly as reasonable. If the man needed any piece of material for his work, if I was not there just at the time when he needed it, he would come and look for me and tell me. Then I would go over to the job with him and I would see that he needed it, and I would measure it up and write out an order for it, and he would get it. I would come back again and see that he was doing the job right, and that the work was progressing all right.

Q. When you set your men to any particular job,

(Testimony of L. K. Siversen.)

did you keep any note of the time that they worked on each job?

A. Why no. I did not write it down. I knew it mentally. I did not have more men than I could keep in my head, and I knew mentally that that man finished a certain job at such and such a time. When he was finished with that job I took him and placed him at some other job.

Q. Where was this work performed? In what part of the ship?

A. In the engine-room and in the shaft-alley; part of the work was also done in the after hold; outside of the ship as [898—810] well, on the propeller and rudder.

Q. That was after the vessel was docked?

A. Yes, certainly.

Q. Before the vessel was docked all the work was inside, was it not? A. Yes, sir.

Q. That was in the engine-room and shaft-alley?

A. Yes, sir.

Q. When you say the hold, was that in connection with the engine-room?

A. That was parts of machinery that was moved into the hold in order to facilitate the work so that the men would have more room to work.

Q. With respect to whether that was a comparatively small space, by that I mean whether the men were where you could keep track of them without travelling all over the ship?

A. Yes, sir. If I had men down in the shaft-alley and some men in the engine-room, I would go from

(Testimony of L. K. Siversen.)

the engine-room when I had seen to those men. I would go down to the shaft-alley and see to those men. I would go back to the engine-room again and see to those men. Then I would perhaps have to go up to the shop for something, or up to the storeroom. I would come back and I would go and look at the men again, what they were doing.

Q. State whether or not you checked up the time-cards of the men upon this job, the men that were working under you.

A. No, sir, I did not check up the time-cards with the men.

Q. I did not ask you "with the men." I said "of the men."

A. I thought you said "with the men"; excuse me. I checked up the time-cards of the men.

Q. When?

A. The next morning, the following morning, with the timekeeper. [899—811]

Q. With the timekeeper? A. Yes, sir.

Q. That is, you would go up to the office and check up the time-cards of each man with the timekeeper?

A. Yes, sir.

Q. In case there were any corrections to be made, how would they be made?

A. The timekeeper would pick up the time-card and read the name of the man and then he would say, "He worked so many hours on such and such a number, and so many hours on another number." I looked that over, and if those statements on the cards, the name and numbers are correct, there are no cor-

(Testimony of L. K. Siversen.)

rections made. If they are not correct I tell the timekeeper that that man has got that name wrong, or otherwise, he has got that number wrong, or the number of hours he has got wrong; he has got that mixed up. Then I tell the timekeeper that he worked so long on that piece, and so long on another piece. Then he makes the correction.

Q. Right there before you?

A. Right there before me.

Q. By the way, what was the condition of the "Hilonian," Mr. Siversen, with respect to being in good or bad repair, or a new or old vessel?

Mr. McCLANAHAN.—I object to that as immaterial.

Mr. FRANK.—Q. Go on, Mr. Siversen.

A. The vessel was an old vessel, and the condition of her engine was very bad.

Q. As you opened her up from one place to another, what did you find with respect to matters that were uncovered by opening her up?

Mr. McCLANAHAN.—I object to that as immaterial.

A. I found that there were things in very bad condition, that we did not anticipate, or that did not appear before they were uncovered. [900—812]

Mr. FRANK.—Q. Who else was on the ship at this time, Mr. Siversen, representing the owner of the vessel?

A. The representatives of the vessel's owners were Mr. Klitgard, and Mr. Putzar.

Q. What profession were these two men?

(Testimony of L. K. Siversen.)

Mr. McCLANAHAN.—That is, if you know.

A. Mr. Klitgard was introduced to me as the Chief Engineer of the steamer “Hilonian,” and Mr. Putzar was introduced to me as the company’s representative, or rather as a timekeeper.

Mr. FRANK.—Q. During the time that you were on board did these two gentlemen exercise any authority in those respects? A. I beg pardon?

Q. Did those two gentlemen exercise any authority showing their capacity in which they were on board?

A. Why, yes, in stating certain particulars about work they wanted done, or a certain way that they wanted the work done.

Q. Was either of them supervising your work to see whether or not it was satisfactory to the owner?

A. Yes, sir; Mr. Klitgard.

Q. Did Mr. Putzar do that at any time?

A. Mr. Putzar appeared to be working in conjunction with Mr. Klitgard on that subject. At the latter part of the work it appeared as though Mr. Klitgard rather relinquished, and Mr. Putzar took more charge. [901—813]

Q. I now show you, Mr. Siversen, a series of stock order cards, and bearing the following numbers: H5802, H5803, H5804, H5806, H5807, H5808, H5810, H5814, H5815, H5816, H5817, H5818, H5819, H5820, H5823, H5825, H5826, H5827, H5828, H5829, H5830, H5831, H5832, H5835, H5836, H5837, H5838, H5839, H5840, H5842, H5843, H5845, H5846, H5847, H5848, H5849, H5851, H5852, H5853, H5854, H5856, H5857,

(Testimony of L. K. Siversen.)

H5859, H5860, H5862, H5863, H5865, H5866, H5867, H5868, H5869, H5871, H5873, H5874, H5878, H5879, H5880, and H5881, and ask you to look at those cards and state whether or not the matter contained on those order cards went into that work on the ship.

Mr. McCLANAHAN.—I object to the question on the ground that it is incompetent, irrelevant and immaterial, self-serving, and not binding on the respondent.

A. I identify all these cards as being written and signed by me, but I don't pretend to know, or remember now what I used this material for, but I do know that before this material was ordered I would go to the job where the material was needed, and I would measure up and look at the material that was requested and see if it was needed, and if it was needed I would issue a card, stock order, for it, and I would see that it came back again and was used.

Q. And all of these cards were made in that way?

A. All of those cards were made in that way, and there were no cards issued at the instance of the men, but I would go around with the men and see that the material was needed.

Q. And with respect to the job numbers would you put the order under the respective job numbers?
[902—814]

A. Yes, sir; I knew what numbers the certain jobs were under and I would put the numbers on the order accordingly.

Mr. FRANK.—I offer this in evidence and ask that it be marked L. K. Siversen Stock Card No. 1.

(Testimony of L. K. Siversen.)

Mr. McCLANAHAN.—I object to the offer on the ground that it is incompetent, irrelevant and immaterial, hearsay, self-serving and not binding on the respondent, and ask that the objection apply to each card.

(The stock cards are marked “L. K. Siversen No. 1.”)

Mr. FRANK.—Q. I now show you stock order cards numbered respectively, A2501, A2502, A2503, A2504, A2505, A2506, A2507, A2508, A2509, A2511, A2512, A2514, A2515, A2516, A2519, A2526, A2527, A2529, A2528, A2531, A2532, A2533, A2534, A2536, A2537, A2538, A2539, A2541, A2542, A2543, A2544, A2545, A2546, A2547, A2548, A2549, A2550, A2552, A2555, A2556, A2557, A2558, A2559, A2560, A2561, A2562, A2563, A2564, A2565, A2566, A2567, A2568, A2569, A2570, A2571, A2572, A2573, A2575, A2577, A2578, A2579, A2580, A2582, A2584, A2585, A2586, A2587, A2588, A2589, A2591, A2592, A2593, A2597, and A2598, and ask you whether or not the material indicated on these cards went into the respective jobs indicated by the job numbers thereon on board the steamer “Hilonian.”

Mr. McCLANAHAN.—I object to the question on the ground that it is immaterial.

A. Here is something on this card that has been filled in.

Mr. FRANK.—Q. Give us the number of the card and we will see what it is about? A. 2580.
[903—815]

Q. What is it? Let me see.

(Testimony of L. K. Siverson.)

A. No. 30 "Adam's Superior stucco wall-brush." I also identify these cards as being written by me. I also state that I know that the stock and material was used in the same manner.

Q. That you testified to concerning the other cards? A. Yes, sir, No. 1.

Mr. FRANK.—I offer this in evidence and ask that it be marked "L. K. Siverson stock cards No. 2."

Mr. McCLANAHAN.—I object to it on the ground that it is incompetent, irrelevant, immaterial, hearsay, self-serving and not binding on the respondent and ask that the objection apply to each card.

(The cards are marked "L. K. Siverson Stock Cards No. 2.")

Mr. FRANK.—Q. I now show you a series of stock order cards numbered and lettered as follows: A6301, A6302, A6303, A6304, A6305, A6307, A6308, A6311, A6313, A6314, A6315, A6316, A6317, A6319, A6320, A6321, A6322, A6323, A6324, A6325, A6326, A6327, A6329, A6330, A6331, A6332, A6333, A6334, A6335, A6337, A6338, A6339, A6340, A6342, A6344, A6345, A6346, A6347, A6349, A6350, A6351, A6352, A6353, A6354, A6356, A6357, A6358, A6360, A6361, A6362, A6379, A6380, A6381, A6383, A6384, A6385, A6386, A6387 and A6388, and ask you whether or not the material indicated on these cards went into the respective jobs indicated by the job numbers thereon on board the steamer "Hilonian."

Mr. McCLANAHAN.—I object to the question as immaterial.

(Testimony of L. K. Siverson.)

A. There is something that I don't recognize here.

Q. What is the number of the card?

Mr. FRANK.—A6379. "M. F. W.," on one side of the card, and "E7598" on the other. (Addressing the witness.) Is that [904—816] something that you do not recognize?

A. I have not written that, whatever it means.

Q. All right. The rest of the card, you have written?

A. Yes, sir. Here is something else, "A6384."

Q. On what card?

A. "Crane Co." Here is something else, "7603." Here is another one.

Mr. McCLANAHAN.—Q. What is the number?

A. "A6387," the word "Payne's." That is the bolt factory, "E7604." Here is another card.

Q. What is the number?

A. "A6388." It also says "Payne," "E7607." Otherwise I testify to having written these cards, everything that is on them, and know that the material went into the job.

Mr. FRANK.—I offer this in evidence as L. K. Siverson Stock Cards No. 3.

Mr. McCLANAHAN.—I object to it as incompetent, irrelevant, immaterial, hearsay, not binding on the respondent, and ask that the objection apply to each of the cards.

(The cards are marked "L. K. Siverson Stock Cards No. 3.")

Mr. FRANK.—Q. Do you know whether a gear case was put on board of the ship?

(Testimony of L. K. Siversen.)

A. Yes, sir.

Q. How would they lay off the gear case? By what means?

A. What I understand by this gear case is, it is a casing that goes around the jacking-wheel, a big worm-wheel that goes round the shaft, by which means the engine is being turned when the ship is in port, and the gear case is a casing to go over this worm-wheel to prevent anybody from coming in contact with it when the engine is running.

Q. Do you know whether such a gear case was put in? A. Yes, sir, I do know. [905—817]

Q. And in reference to the laying it off, whether they do it by means of template wood.

A. Yes, sir.

Q. Now, I show you a card "C582" of A. Robinson's Stock Card No. 1, and ask you whether or not the amount of template wood indicated on that card is a reasonable amount to lay off that particular gear case.

Mr. McCLANAHAN.—I object to that as immaterial.

A. Yes, sir. I should even think that they would need more than that.

Mr. FRANK.—Q. I show you "C592" of the same exhibit, Robinson No. 1, and ask you whether or not the plates of the shaft-alley were removed, and if the material on that card was necessary for that purpose.

Mr. McCLANAHAN.—I object to the question as being double and immaterial.

(Testimony of L. K. Siversen.)

Mr. FRANK.—Q. Answer both questions, Mr. Siversen. A. Yes, sir.

Q. By “yes, sir,” you mean what?

A. I mean yes, sir, to both questions.

Q. I now show you “Robinson No. A997” of the same exhibit and ask you whether the material there referred to would be used on the gear casing.

Mr. McCLANAHAN.—I object to that as immaterial.

A. That is supposed to be rivets, isn't it, or is it bolts? (Hanging.)

Mr. FRANK.—Q. Cannot you read it?

A. It is bolts. Yes, that would be needed on the gear casing to be bolted together before it is riveted.

Q. You know what it was, then—not rivets but bolts? A. Yes, sir, bolts. [906—818]

Q. I now show you “Robinson Stock Cards, Exhibit No. 1,” and ask you to examine the following numbers, and after examining them, state whether or not the work there indicated was to your knowledge performed in the engine-room and shaft-alley, and whether the material indicated on each of those cards was necessary and proper for the said work. The numbers to which I ask you to look are as follows: A997, B1005, B1018, B1038, B1041, C1118, C1147, C1142, C1173, B1516, B1522, B1572, B1576, B1577, B1580, B1584, B1591, B1599, B7401, B7414, B7413, B9551, B9552, B3612, B3616, B3621, B3629, B3638, B3649, B3654, B3656, B3658, B3660, B3661, B3667, B5626, B5657, B5674, B5672, B5695, B1809, B3628, B3663 and B5660.

(Testimony of L. K. Siversen.)

Mr. McCLANAHAN.—I object to the question as immaterial.

A. I wish to say regarding some of these cards as to their being marked gear casing, where they call for rivets and bolts, 3/16 and 1/4 inch, I think that the gear casing and the eccentric pans have been mixed up. There were pans made for the eccentrics that look just exactly like the gear casing; in fact, they were so very much alike that the ship-fitter, I remember distinctly, fitted up one of the eccentric pans as being the gear case.

Q. Even so, the eccentric pans were necessary and put on board of the ship? A. Certainly.

Q. The material used there was either used on the eccentric pans or the gear casing.

A. Yes, sir; but it appears here, gear casing, and gear casing, and gear casing, and the question would arise how big is that gear casing.

Q. That is immaterial. What I want to get at is, both the [907—819] gear casing and eccentric pans went into the ship? A. Certainly.

Q. The material there was necessary for one or the other of them. A. Yes, sir.

Q. That is what I want.

A. They have been used for the eccentric pans and the gear casing.

Q. That is all right.

A. I answer yes to both of your questions. I know that the work was performed, and I know that that material was needed.

Q. That is, the work could not have been per-

[(Testimony of L. K. Siversen.)

formed without that material. A. No, sir.

(A recess was here taken until 2 P. M.) [908—
820]

AFTERNOON SESSION.

[Testimony of John T. Mitchell, for Libelant.]

JOHN T. MITCHELL, called for the libelant,
sworn.

Mr. FRANK.—Q. Mr. Mitchell, you were in the
employ of the United Engineering Works in August
and September, 1909? A. Yes, sir.

Q. In what capacity?

A. In the electrical department.

Q. Did you work on the steamer “Hilonian”?

A. Yes, sir.

Q. Who worked with you? A. William Ross.

Q. What was Ross? A. Electrician.

Q. And you? A. Helper.

Q. Ross’s helper? A. Yes, sir.

Q. Then all the work that was done there by you,
was done together. A. Yes, sir.

Q. With respect to the material used on that job,
who would get the material?

A. I would. By Mr. Ross’s order.

Q. By Mr. Ross’s order? A. Yes, sir.

Q. And how did he make out the orders?

A. We had a book, an order-book. He would
make out an order, give it to me, and I would go to
the storeroom and get the material, whatever it
may be.

Q. What did you do with the order?

A. Bring it back to the boat, to the “Hilonian.”

(Testimony of John T. Mitchell.)

Q. To the "Hilonian"? A. Yes, sir.

Q. And two of you used it on that job?

A. Yes, sir.

Q. I show you now a series of stock order cards numbered respectively A2288, A6521, A6519, A6518, A6515, A6512, A6510, A3230, A2272, A6506, A6501, A6336 and A6004, and ask you what those are?

[909—821] A. Order cards.

Q. Whose order cards and for what?

A. William Ross's order cards for the material that was used on the "Hilonian."

Q. Are these the cards you refer to as having taken up for the material, to get the material?

A. Yes, sir.

Q. You know Ross's handwriting?

A. Yes, sir.

Q. Do you recognize that? A. Yes, sir.

Q. There is one there signed "J. Mitchell"; in whose handwriting is that? A. That is mine.

Q. When you get the material what would you do with the cards?

A. Turn them in to the storeroom.

Q. Are you an employee of the company now?

A. No, sir.

Q. Do you know where Ross is? A. No, sir.

Q. Did you see Ross make out those cards?

A. Yes, sir.

Q. Were they made out in your presence?

A. Yes, sir.

Q. And then handed to you? A. Yes, sir.

Mr. FRANK.—I offer these in evidence and ask

(Testimony of John T. Mitchell.)

that they be marked "John T. Mitchell Stock Order Cards No. 1."

Mr. McCLANAHAN.—I object to it as incompetent, irrelevant, immaterial, hearsay, self-serving, not binding on the respondent.

(The cards are marked "John T. Mitchell Stock Order Cards No. 1.")

Cross-examination.

Mr. McCLANAHAN.—Q. What did you say was done with this material?

A. It was brought to the "Hilonian."

Q. What done with it then?

A. It was put wherever it was supposed to go.

Q. When the work on the "Hilonian" was finished what did you do with this stuff?

A. We never had any stuff after the [910—822] "Hilonian."

Q. Did you work on the "Hilonian" at all?

A. Yes, sir.

Q. With Ross? A. Yes, sir.

Q. What other electrician worked with you?

A. That is all, only Mr. Ross and myself.

Q. You are not an electrician, you are only a helper. A. A helper.

Q. What electrical work did you do on the "Hilonian"? A. I helped Mr. Ross.

Q. What to do?

A. To get the material and pull the wires through the pipe; whatever he needed I went and got for him.

Q. I want to know what electrical work Mr. Ross

(Testimony of John T. Mitchell.)

did on the ship.

A. Put sockets in, run wires, worked in the engine-room, wired the engine-room, fire-room and galley.

Q. What for? What did he wire the engine-room for? A. Because it needed it.

Q. You mean to say that the electrical equipment which you and Ross worked on was an electrical equipment for the ship itself? A. Yes, sir.

Q. Belonging to the ship? A. Yes, sir.

Q. And that the ship took away with it?

A. Yes, sir.

Q. Under whose orders was this work done, do you know? Where did you get your orders for the work from? A. I got my orders from Mr. Ross.

Q. Do you know where he got them?

A. From the boss.

Q. What boss?

A. Mr. Christy, or whoever had charge of the yard.

Q. Do you know anything about these job numbers on these yellow slips?

A. No, sir. [911—823]

Q. You don't know anything about them?

A. No, sir.

Q. I call your attention to your card, or rather to Ross's card "A6004" where you find the notation at the bottom of the card "Used on portables for engine-room." A. Yes, sir.

Q. What portables are those? Does it not mean that the lights were portable and could be taken out

(Testimony of John T. Mitchell.)

again? A. Yes, sir.

Q. Then they were taken out?

A. I don't know.

Q. You do not? A. I never took them out.

Q. You don't know if they were taken out?

A. No, sir.

Q. Do you remember that work, "Portables for engine-room"? A. Yes, sir.

Q. What character of work was it? What did you do?

A. Run the portables down into the engine-room for the work that was going on in the engine-room.

Q. When the work was finished in the engine-room, what did you do with the portable?

A. I never touched the portables.

Q. They were not left on the ship, were they?

A. I don't know.

Q. That is one card that you don't know whether the material was left on the ship or not, do you?

A. No.

Q. I call your attention to your card "A6521." "Repairing tank-top aft." You did not leave any electrical work or apparatus down on the tank-top?

A. Yes, sir, we left it there, sure; we put in sockets there.

Q. Where did you leave it?

A. On top of the tank aft, that the pipe run along on the electrical work.

Q. What did they use the electrical lights down there for? A. For light, I guess. [912—824]

Q. In repairing the tanks?

(Testimony of John T. Mitchell.)

A. Under electrical work, putting the lights there.

Q. Why does this card say "Repairing tank-tops aft"? Was that not material used for the repair work down there? A. I don't know.

Q. You don't know?

A. No, sir. The work that was done on top of the tanks aft was the electrical work, running the wires.

Q. Then this word "Repairing tank-top aft" is not aptly used?

A. I don't know anything about repairing tank-tops.

Q. That is your card. You have identified it.

Mr. FRANK.—That speaks for itself.

Mr. McCLANAHAN.—I am perfectly aware it speaks for itself, and spoke for itself when you asked the man what the card was. I did not encumber the record by objecting to it. Please refrain from saying that the card speaks for itself.

Mr. FRANK.—I will not refrain from saying anything. I object to your manner of cross-examining the witness as improper.

Mr. McCLANAHAN.—Improper?

Mr. FRANK.—Yes.

Mr. McCLANAHAN.—For me to examine the witness on these cards?

Mr. FRANK.—I will not argue it with you. I am making my objection.

Mr. McCLANAHAN.—You can make your objection, but do not argue with me.

(Testimony of John T. Mitchell.)

Mr. FRANK.—I suppose you must have the last word.

Mr. McCLANAHAN.—Q. Where did this material go as shown by “A6519”?

A. To the “Hilonian.” [913—825]

Q. Whereabouts?

A. I could not tell you exactly where it went, but the material was all put on the “Hilonian.”

Q. Here is your card “A6518,” showing that some electric lamps were used on the wheel job. Were those left there? A. Yes, sir.

Q. Do you know what the wheel of a ship is?

A. Yes, sir.

Q. What is it? A. The propeller.

Q. What part of the propeller were those lamps used on? A. To work on them.

Q. But they were not left there, were they?

A. Yes, sir, they were left there—the lamps were left there.

Q. Is not the propeller under water usually?

A. Yes, sir.

Q. You think these lamps were under water when the ship went to sea?

A. The lamps were brought aboard the ship and left there.

Q. Left on the ship? A. On the ship.

Q. How do you know that—because you did not take them off? A. Because I did take them off.

Q. You did take them off? A. Yes, sir.

Q. They were not left then there?

A. They were left there.

(Testimony of John T. Mitchell.)

Q. How were they?

A. They were taken out of the cluster and put aboard of the ship.

Q. I want to know whether they were taken from the ship.

A. No, sir, they were not taken from the ship.

Q. I mean after they had been used, Mr. Mitchell, after the job was finished.

A. They were left aboard the ship.

Q. How do you know that?

A. I put them aboard the ship.

Q. You know they were left aboard the ship because you did not take them off?

A. I did not take them off. [914—826]

Q. And that is all you know about it.

A. That is all I know about it.

Q. Somebody else might have taken them off?

A. They might have taken them off.

Q. You don't know?

A. I don't know nothing about them.

Q. Is that your answer with reference to all this material: you did not take it off, but you don't know whether anybody else did or not? A. No, sir.

Q. What do you mean by "No, sir"?

A. I mean that everything that was aboard the ship was not taken off.

Q. Was not taken off by you? A. By me.

Q. You don't know whether somebody else took it off or not? A. No, sir.

Q. Do you know whether these job numbers are correct or not? A. No, sir.

(Testimony of John T. Mitchell.)

Redirect Examination.

Mr. FRANK.—Q. I understand, then, Mr. Mitchell, that you got this material and put it on board of the vessel and left it there.

Mr. McCLANAHAN.—I object to that as not proper redirect examination. A. Yes, sir.

Mr. FRANK.—Q. Mr. Mitchell, you were asked upon cross-examination if your answer with respect to the portables, that you had put them on board and never took them off, was your answer to all this material. Was there not permanent work done on that vessel, wiring?

Mr. McCLANAHAN.—I object to the question as leading.

A. Yes, sir.

Mr. FRANK.—Q. What was done?

A. The wiring of the galley, as I said before, and the engine-room, and between [915—827] decks, and over the tank is as far back as I can remember of the work.

Q. Permanent installation? A. Yes, sir.

Q. And the material referred to here is the material used on that permanent installation on those cards? A. Yes, sir.

Q. In speaking of the lamps used on the wheel job, you say you took them off of the wheel and put them on board of the ship?

Mr. McCLANAHAN.—I object to the question upon the ground that it is leading and suggestive and also a misstatement of what the witness has said.

Mr. FRANK.—In which we do not concur—that

(Testimony of John T. Mitchell.)

is, with reference to any misstatement.

A. The lamps were left aboard the ship. They hung over a cluster so as to see all the work.

Mr. FRANK.—In what respect is it a misstatement?

Mr. McCLANAHAN.—The witness has not stated that he took the lamps off the wheel and left them on the ship.

Mr. FRANK.—He did say so.

Mr. McCLANAHAN.—The record will show.

Mr. FRANK.—The record will show.

Q. What did you say, Mr. Mitchell, about the lamps that were on the wheel?

A. I took the lamps that we used for the work, took them out, and put them aboard of the ship when we took the cluster off of the work.

Q. When you speak of the work, do you mean the wheel? A. The work that was done on the wheel.

Q. I thought I understood you rightly. At whose orders did you put them aboard of the ship?

A. Mr. Ross' orders.

Q. How long did you stay with the ship? I mean with respect to the time she finished her work. Were you on the ship [916—828] after she was put in the water again from the dock? A. Yes, sir.

Q. Were you on her up to the time that she left the United Engineering Works over at Alameda Point? A. Yes, sir.

Q. Were the lamps taken off before she left there?

A. The clusters; that is all.

Q. What clusters?

(Testimony of John T. Mitchell.)

A. The clusters that were used to see the work.

Q. Clusters? A. The cluster lights.

Q. All the rest of the material was left aboard of her?

A. Everything was left aboard of her outside of the cluster lights.

Recross-examination.

Mr. McCLANAHAN.—Q. In connection with the electrical work, do you know what a conduit is?

A. A conduit? A pipe, yes.

Q. You know what that is? A. Yes, sir.

Q. Did you run these wires on the “Hilonian” in conduits? A. Yes, sir.

Q. Where did you get the conduits?

A. From the shop.

Q. You have not any card here for conduits, have you? A. I don't know about that.

Q. Have you not looked these cards over, to know?

A. Yes, sir, I have looked these cards over.

Q. Then you can answer my question?

A. Yes, sir.

Q. Are there any conduits there? A. Yes, sir.

Q. Show me a card that has conduits on.

A. The card might not be there, for all I know.

Q. I have asked you the question whether there are any conduits on those cards.

A. There were conduits on the boat; [917—829] I don't know about the cards; it might not be on the cards.

Q. If you got it from the storehouse, you got it under an order like that, didn't you? A. Yes, sir.

(Testimony of John T. Mitchell.)

Q. And you are sure you got conduits?

A. Yes, sir.

A. And put them on the ship and run conduits on them? A. Yes, sir.

Q. And if you got them you got them under those yellow slips, did you? A. Yes, sir.

Q. Did you not run wires there on the ship, for the benefit of the men doing work there at all?

A. No, sir.

Q. Not at all? A. No, sir.

Q. Where they needed light they used candles; is that it? A. No, sir, cluster lights.

Q. How did you get the clusters to them?

A. Attached to the dock.

Q. How did you get them on the ship?

A. Put them on board of the ship and run them down with the cable.

Q. They were in conduits? A. No, sir.

Q. The wires were? A. No, sir.

Q. How did you get the wires aboard of the ship?

A. The cluster was connected up with the dock down to the engine-room for the light of whoever was working there.

Q. What was the cluster attached to, wires?

Mr. FRANK.—He told you.

A. Yes, sir.

Mr. McCLANAHAN.—Q. Those wires were run from the dock on to the ship?

A. On to the ship.

Q. Exactly; and that was your principal work on board of the "Hilonian," furnishing light to the men

(Testimony of John T. Mitchell.)

working there? A. No, sir. [918—830]

Q. How many days did you and Ross work on the ship? A. I could not exactly tell you.

Q. A number of days? A. Yes, sir.

Q. What was your principal work?

A. Putting new sockets in, running new wires.

Q. You ran them in conduits?

A. Conduits, yes, sir.

Q. Do you remember what part of the ship you ran new wires on conduits?

A. We worked all over the ship; we worked in the fire-room and the engine-room.

Q. In the fire-room? A. Yes, sir.

Q. And in the engine-room? A. Yes, sir.

Q. Where else? You are talking about running new conduits. You ran conduits in the fire-room and engine-room; is that right? A. Yes, sir.

Q. Where else?

A. That is as far as I could say that I can remember.

Q. Did you run any conduits in the shaft-alley?

A. I could not say.

Q. Did you put any wires in the conduits?

A. There were some that the wire ran through; the wires were taken out, that is, some parts of the work. What I mean is, I believe the conduit was in there.

Q. If the conduit was in there what did you do?

A. We run new wires.

Q. You got new wires. Where did you get the new wires? From the storeroom? A. Yes, sir.

(Testimony of John T. Mitchell.)

Q. On orders such as these? A. Yes, sir.

Q. Where did you run new wires? What parts of the ship?

A. That is pretty hard for me to answer, all these questions, you know. I don't remember everything that has been done there. [919—831] It is quite a while ago. I cannot tell you everything.

Q. You had no difficulty in remembering these articles here that you testified to?

A. It is as much as I can remember.

Q. Cannot you remember where you furnished new conduits, whether you ran wires through those or not?

A. I remember running wires, but I cannot explain to you where they were, or how they were.

Q. You know where you got them, don't you?

A. Yes, sir.

Q. Where did you get them?

A. In the storeroom.

Q. On orders just like these? A. Yes, sir.

Q. Made out by Ross? A. Yes, sir.

Q. And taken by you to the storeroom?

A. Taken aboard of the ship.

Q. The orders you took to the storeroom, didn't you? A. Yes, sir.

Q. Got the material there, the wire?

A. Yes, sir.

Q. And brought that aboard of the ship?

A. Yes, sir.

Q. And the same with the conduits?

A. Yes, sir.

(An adjournment was here taken until to-morrow, Wednesday, September 13th, 1911, at 9:30 A. M.)
[920—832]

Wednesday, September 13th, 1911.

**[Testimony of L. K. Siversen, for Libelant
(Recalled).]**

L. K. SIVERSEN, recalled, direct examination resumed :

Mr. FRANK.—Mr. McClanahan, I am going to take the stock cards testified to by S. M. Robinson on page 729 of the record to page 748 of the record, fasten them together and mark them “S. M. Robinson Stock Cards No. 1,” for the purpose of convenience in further testimony regarding those cards.

Mr. McCLANAHAN.—I consent to that, provided my exceptions apply to the re-marking of the exhibit as they did to the original.

Mr. FRANK.—That is all right.

(The cards are marked “S. M. Robinson Stock Cards No. 1.”)

Q. Now, Mr. Siversen, have you gone over carefully the cards contained in “S. M. Robinson Stock Cards No. 1”?

A. Yes, sir.

Q. To ascertain what particular cards the contents of which you were familiar with?

A. Yes, sir, familiar to this extent that I know that the stuff, or material called for therein was necessary for the purpose to which it is designated in there, and that it was not more than was needed for the job.

Q. The job could not have been completed without

(Testimony of L. K. Siverson.)

them? A. No, sir.

Q. Now, the cards to which you refer are the ones that you have selected out during the time you have been sitting here and written the numbers on a sheet, is that right? A. Yes, sir.

Q. And these are the numbers? A. Yes, sir.

Q. C3994, C3991, C3953, C3997, C3916, C3915, C3908, [921—833] A1500, A1900, A1711, A1741, A1734, A1744, A1745, A1755, A1796, A1790, A1813, A1820, A1834, A1839, A1841, A1856, A1895, B2921, B2917, C2788, C2784, C2777, C2774, C2769, C2764, C2755, C2753, C2738, C2715, C2706, A1494, A1492, A1477? A. Yes, sir.

Mr. FRANK.—I now reoffer these in evidence.

Mr. McCLANAHAN.—I object to the offer as incompetent, irrelevant and immaterial, hearsay, self-serving and not binding on the respondent.

Mr. FRANK.—Q. Now, I hand you another bundle of cards which are cards testified to by Stephen Cronin on pages 664 to 674 of the record, which for the present purposes I ask to be marked “Stephen Cronin Stock Cards No. 1” —

Mr. McCLANAHAN.—Have they been offered before?

Mr. FRANK.—Yes, on the number business.

Mr. McCLANAHAN.—I consent to the reoffer under the new exhibit title on the understanding that my exceptions heretofore made to the several cards applies to the reoffer of the cards.

(The cards are marked “Stephen Cronin Stock Cards No. 1.”)

(Testimony of L. K. Siversen.)

Mr. FRANK.—Q. —and ask you to examine them in the same manner that you examined the other cards in order to ascertain which ones of them you can testify to as necessary for said work.

Mr. McCLANAHAN.—We object to the question on the ground it is immaterial.

A. I have done it.

Mr. FRANK.—Q. You have examined the cards, have you? A. Yes, sir.

Q. And the cards that you have selected out are a record of [922—834] material concerning which you testify the same as you did concerning “S. M. Robinson Stock Cards No. 1”? A. Yes, sir.

Mr. FRANK.—The list that you have furnished are the following numbers: A3287, A2494, A6494, A6439, and A6434. I reoffer these in evidence.

Mr. McCLANAHAN.—I make the same objection that they are incompetent, irrelevant and immaterial, hearsay, self-serving and not binding on the respondent.

Mr. FRANK.—Q. I show you another batch of “S. M. Robinson Stock Cards” which I overlooked in the other bundle, and I will ask to have them marked “S. M. Robinson Stock Cards No. 2” for the present purpose.

Mr. McCLANAHAN.—The re-marking of these further cards of S. M. Robinson, I consent to their being re-marked, as a whole, S. M. Robinson No. 2, provided it is understood that my former objection applies to the reoffer of the cards.

(Testimony of L. K. Siverson.)

(The cards are marked "Stephen Cronin Stock Cards No. 1.")

A. I have examined them.

Mr. FRANK.—Q. And the cards you have put down you testify to concerning the same as you did the other cards? A. Yes, sir.

Mr. FRANK.—A1897, A1772, A1731, B2908, B2912, B2922, and B2923. I also reoffer these cards in evidence.

Mr. McCLANAHAN.—I object to the offer on the ground that they are incompetent, irrelevant and immaterial, hearsay, self-serving, and binding on the respondent.

Mr. FRANK.—Q. I now show you a series of cards, Speed Stock Order Cards No. 1, and ask you to examine them in the same manner and for the same purpose. [923—835]

Mr. McCLANAHAN.—I object to it on the ground it is immaterial.

Mr. FRANK.—Q. Begin with the first one.

A. The first one I do not know. The second one is "1 corrugated copper gasket as per template, used on air pump." That gasket I know went in there. The third one I do not know. The fourth one I do know. "1—6 inch face compound ammonia gauge." The fifth one I do not recollect. The sixth one I do not know. The seventh one I do not know. The eighth one I do not know. The ninth one I do know. "6 pounds of red lead putty." It does not say here what this was used for, but this was used for the thrust. The tenth one I do not know. The eleventh

(Testimony of L. K. Siversen.)

one I do know. "2—1 inch black ells. 1—1 inch by 5 inches nipper, and one piece of one inch pipe, 4 foot long. Drains for thrust box." "Drains for thrust," it says. The twelfth one I know. "Knuckle joint for forging as per sketch." It was used on the main sea valve. The thirteenth I know. "4¾ by 1¼ cap screws used on knuckle joint on sea valve." That is all.

Mr. FRANK.—I also reoffer these in evidence.

Mr. McCLANAHAN.—I make the same objection that it is incompetent, irrelevant and immaterial, hearsay, self-serving, and not binding on the respondent. [924—836]

Q. Now, I will show you a series of cards testified to by Mr. Roberts on page —— of the record, which I will ask to be marked now Roberts' Exhibit, Stock Card No. 22.

Mr. McCLANAHAN.—We consent to the remarking of the Roberts' Stock Cards as Exhibit No. 22, with the understanding that our objection heretofore made to the cards severally apply to the reoffered cards.

(The cards are marked "Roberts' Stock Cards Exhibit No. 22.")

Mr. FRANK.—Q. I ask you to examine those and to identify them for the purpose of ascertaining whether they contain material which you actually know went on board or material which was absolutely necessary for the job that you were performing.

Mr. McCLANAHAN.—I object to the question on

(Testimony of L. K. Siverson.)

the ground it is a double question, and on the further ground that it is immaterial. I would like to have the answer of the witness segregate the question.

Mr. FRANK.—I will attend to that later.

Q. Just pick them out and put your numbers underneath here so that I can follow them. (After the witness has done so.) Now, Mr. Siverson, you have gone over these cards and the numbers that you have selected out I understand are in the same category as the numbers that you have selected out of these previous exhibits. A. Yes, sir.

Q. Those numbers are A6489, A6484, A6431, A6410, A6406, A6402, A3274, A3271, A3268, A3244, A3236, A3212, A3211, A3202, A2713, A2710, A2498, A2467, A2463, A2462, A2460, A2380, A2371, A2359, A2354, and A2343? A. Yes.

Mr. FRANK.—I now reoffer the cards in evidence.

Mr. McCLANAHAN.—We object to the reoffer on the ground that [925—837] it is incompetent, irrelevant, immaterial, hearsay, self-serving, and not binding on the respondent.

Mr. FRANK.—Q. I have another package which I will ask to be marked Roberts Stock Card Exhibit No. 23.

Mr. McCLANAHAN.—We consent to its being so marked, with the understanding that our objection made at the time of the original offer of the cards holds good as to the reoffered exhibit.

(Testimony of L. K. Siverson.)

(The cards are marked "Roberts Stock Card Exhibit No. 23.")

Mr. FRANK.—Q. I ask you to examine those cards and to identify them for the purpose of ascertaining whether they contain material which you actually know went on board or material which was absolutely necessary for the job that you were performing?

Mr. McCLANAHAN.—I object to the question on the ground it is immaterial.

A. Here is one card, A6405; part of the contents I know was used, but the other part I don't remember, and the part that I know was used is 95 pounds of zinc on the stern post.

Mr. FRANK.—Q. The rest of it you say you don't remember? A. No.

Q. The other is 6479. A. Yes.

Q. It is: "6 $\frac{1}{8}$ x1 $\frac{1}{2}$ split keys; 1 3/16x2 split keys; 1 1 $\frac{1}{4}$ hex. nuts, used on the balance piston steamer 'Hilonian.' On job number 5295."

Mr. FRANK.—I reoffer the cards in evidence.

Mr. McCLANAHAN.—We object to the reoffer on the ground that it is incompetent, irrelevant, immaterial, hearsay, self-serving, and not binding on the respondent.

Mr. FRANK.—Q. I now hand you for the same purpose Roberts [926—838] Exhibit Stock Cards 1 to 21, inclusive, and ask you to examine those cards and to identify them for the purpose of ascertaining whether they contain material which you actually know went on board or material which was absolutely

(Testimony of L. K. Siversen.)

necessary for the job that you were performing?

Mr. McCLANAHAN.—I object to the question as immaterial.

A. Yes.

Mr. FRANK.—Q. You have examined those cards as indicated and indicated certain ones. A. Yes.

Q. Those that you have indicated are in the same category as the cards you have testified to previously in the other exhibits. A. Yes, sir.

Mr. FRANK.—They are Roberts Stock Card, Exhibit No. 2, Roberts Stock Card, Exhibit No. 4, Roberts Stock Card, Exhibit No. 7, Roberts Stock Card, Exhibit No. 8, Roberts Stock Card, Exhibit No. 9, Roberts Stock Card, Exhibit No. 11, Roberts Stock Card, Exhibit No. 14, Roberts Stock Card, Exhibit No. 15, Roberts Stock Card Exhibit No. 16, and Roberts Stock Card, Exhibit No. 19. I reoffer the cards in evidence.

Mr. McCLANAHAN.—We object to the reoffer on the ground that it is incompetent, irrelevant, immaterial, hearsay, self-serving, and not binding on the respondent.

(Thereupon, at 12 M., the witness was excused until to-morrow morning, Thursday, September 14th, 1911, at 9:30, and a recess was taken until 2 P. M.)
[927—839]

AFTERNOON SESSION.

Mr. FRANK.—As Mr. Siversen has a little further time to spare, I will recall him for half an hour.

L. K. SIVERSEN, direct examination, resumed:

Mr. FRANK.—Q. Now, Mr. Siversen, were there

(Testimony of L. K. Siverson.)

any cases in which Adamson signed order cards for material that was used by you on board of the ship?

A. Yes, sir.

Q. Under what circumstances?

A. This will apply not only to Adamson, but also to Roberts and S. M. Robinson and Fred Boyd.

Q. What is that?

A. In many cases I was very much occupied, and I did not have time to write out orders for such things as a few cap-screws or bolts or rags or coal-oil or candles, and things of no great importance like that, and when I was very busy with something else I just told the helper to go up to the shop and somebody will give you an order up there.

Q. When did you tell the helper that?

A. If the helper came to me and he needed the candles or he needed the coal-oil, for instance, he was cleaning off some piece of machinery and he did not have any more rags or did not have any more coal-oil, he would come to me and want an order to get some more; I would be very busy and I told him to go up to the shop and get the order.

Q. Do you confine it to the articles you have mentioned or are those only illustrations?

A. Those are only illustrations.

Q. You have looked over Adamson's cards that are signed "R. A.," have you not?

A. Yes, sir. [928—840]

Q. And indicated what particular articles were signed for by him in the manner you have indicated—

Mr. McCLANAHAN.—What is the exhibit?

(Testimony of L. K. Siversen.)

Mr. FRANK.—We will make it an exhibit. They were introduced on numbers. For the purpose of this examination I will just have it marked on the back “Adamson Stock Card” without giving it any number.

Mr. McCLANAHAN.—I make no objection to the re-marking in the suggested way, except that I reserve all my exceptions which have been heretofore made to the additional cards at the time of their original offer.

(The cards are marked “Adamson’s Stock Cards.”)

Mr. FRANK.—Q. And those are A22, A47, A48, A92, A97, A1017, A1077, A1117, A1125, A1179 and C5986.

A. I also wish to state concerning those cards that there are several cards that I did not mark in that list of numbers, such as candles and so forth, that I know were issued for the ship by Mr. Adamson, to the man that I sent up there.

Mr. McCLANAHAN.—I object to any further statement of the witness. There is no question put to him.

Mr. FRANK.—Go on and make your statement, Mr. Siversen. I want to know the whole thing.

A. That is all I want to say.

Q. With respect to the candles while you mention that subject, was it or was it not necessary to use a large quantity on that job?

A. It was necessary to use a large quantity on that job, a much larger quantity than anyone not partic-

(Testimony of L. K. Siversen.)

ularly familiar with the business would think, because if you have a man working in a place where there is a draught and he is using a candle for illumination, he will place the candle where the wind blows on [929—841] the candle, and the life of a candle as a consequence, is only one-sixth of the time that it would last ordinarily. We have electric lights on the boat, but the electric lights are very inconvenient for some purposes. For instance, we have a piece of complicated machinery and we want to look underneath it or into some hole, we can always use a candle where we cannot use an electric light. In looking through this hole we will hold the candle on the side or upside down, and from the heat of the candle the grease melts off and the candle does not last any time. That is a reason why there is a tremendous amount of candles used.

Q. Did you examine the cards of Fred Boyd?

A. No, sir, I did not.

Q. Perhaps you had better do that. You have 15 or twenty minutes time yet. A. Yes, sir.

(The witness examines the cards of Fred Boyd.)

Q. Now, you have examined the cards of Fred Boyd and bearing the initials "F. B."?

A. Yes, sir.

Q. And indicated those that you consider in the same category as the cards to which you have testified on previous exhibits? A. Yes, sir.

Mr. FRANK.—I will ask to have these cards remarked Fred Boyd's Stock Cards.

Mr. McCLANAHAN.—We consent to the re-mark-

(Testimony of L. K. Siversen.)

ing of the cards with the understanding that our objections to the cards as originally introduced are still good and apply to the re-marked cards.

(The cards are marked "Fred Boyd's Stock Cards.")

Mr. FRANK.—The cards the witness has indicated are C6850, C6853, C6854, C6855, C6856, C6873, C6896, A1690. I [930—842] guess we will now have to let you go until to-morrow morning, Mr. Siversen.

**[Testimony of Edward Corcoran, for Libelant
(Recalled).]**

EDWARD CORCORAN, recalled for the libelant.

Mr. FRANK.—Q. Mr. Corcoran, I believe you testified that you were occupied in the boiler-shop, were you? A. Yes, sir.

Q. And did you have a helper there by the name of P. Larsen? A. Yes, sir.

Q. During the time that you were at work on this particular job state what you did with respect to keeping Larsen's time and making out his cards.

A. I made out Larsen's card and he signed it.

Q. How did you keep his time?

A. The same as my own. I put the numbers down on a slate. I copied the numbers from the slate on to my own card and also my helper's card. I signed my own card, and had my helper sign his.

Q. In other words, he was your helper?

A. Yes, sir.

Q. And was working along with you on the same piece at the same time? A. Yes, sir.

Q. I now hand you a batch of cards and ask you to

(Testimony of Edward Corcoran.)

select from those that are made out in your own handwriting in the manner that you have indicated.

A. Those cards I made out and put the numbers down and the time, and they were signed by Larsen (handing). These I have nothing to do with.

Mr. FRANK.—I offer the cards in evidence and ask that they be marked Edward Corcoran Stock Cards No. 30, and I will string them [931—843] together as a single exhibit. They are the cards of P. Larsen, under date August 28th, September 13th, 14th, 15th, 16th, 17th, 18th, 20th, 21st, and overtime night 21st, 22d and 23d.

Mr. McCLANAHAN.—I object to the offer upon the ground that the cards are incompetent, irrelevant, immaterial, hearsay, self-serving and not binding on the respondent.

(The cards are marked “Edward Corcoran Stock Cards No. 30.”)

Cross-examination.

Mr. McCLANAHAN.—Q. I understand, Mr. Corcoran, that these cards correspond in their job numbers, hours worked and articles worked on, with the cards of yours, of corresponding dates.

A. Yes, sir.

Q. They are supposed to be copies? A. Yes, sir.

Q. You just made them out for the convenience of the boy? A. Yes, sir.

[Testimony of William S. Taylor, for Libelant.]

WILLIAM S. TAYLOR, called for the libelant, sworn.

Mr. FRANK.—Q. Mr. Taylor, you were employed

(Testimony of William S. Taylor.)

in the United Engineering Works in August and September, 1909? A. Yes, sir.

Q. In what capacity?

A. Foreman in charge of the hull construction of any vessel, repairs or anything in that direction.

Q. Do you remember the "Hilonian" being repaired over there at the works?

A. Yes, sir; I remember it quite well.

Q. During the repairs state whether or not you were called on board of the vessel, whether your duties called you on board of the vessel.

A. My duties?

Q. Yes.

A. To look after the ship-fitters, drillers, riveters and other men employed in the construction and repairs to the hull. [932—844]

Q. With respect to material that was used in such repairs what, if anything, did you do towards securing it?

A. I would, in the first place, be instructed in regard to the repairs, and I would look up the different material necessary for the job to see if it was not on hand. If it was not on hand I would order it from the Pacific Hardware and Steel Company and have it on hand ready for the job. The next part of the performance would be to get a fitter on the job to lay out the work in cutting out and prepare for riveters going down there to cut out rivets and drill holes, and so forth, getting out the bad work preparatory to putting in the new.

Q. You say "bad work"?

(Testimony of William S. Taylor.)

A. Yes, sir, bad work—work that was damaged.

Q. That had to be repaired?

A. That had to be repaired.

Q. And in that capacity what would you do in regard to seeing that the material was brought on board and applied to the job?

A. Well, I will take a case in point, the repairs to the stanchions. As I recollect, the forward deck had settled and the stanchions were all doubled up. They were round stanchions at that time, the old original stanchions, and showed evidence of weakness, and we were advised by Captain Saunders and Engineer Putzar, after looking over the job, that the best thing to do in that case would be to put in channel-iron stanchions, double in cases. Following along that down into the fore hold, the ladder on the fore side of the hatch showed weakness and was settling there.

Q. I do not care for you to go into those details. All I want to know is, the work that was performed on board there, whether or not you kept track of the material that went into it. [933—845]

A. Undoubtedly; I am coming to that. That was unusual material to use over there, and we had to look up material for the stanchions, being ship-channels, that is a special channel for ship construction and is hard to get here. I telephoned over to this side to Mr. Speed, to look up that material.

Q. Let us get back to the subject I am interested in, and that is whether or not you kept track of the material in your department that went on board of that vessel. A. Yes, sir.

(Testimony of William S. Taylor.)

Q. I show you a batch of order cards which bear your signature and numbered B8603, B8605, B8606, B8611, B8615, B8616, B8617, B9502, B9503, B9504, B9505, B9506, B9507, B9509, B9510, B9515, B9519, B9513, B9521, B9523, B9526, B9527, B9529, B9530, B9531, B9532, B9534, B9535, B9536, B9540, B9542, B9543, B9544, B9545, B9550, B9553, B9557, A455, A465, A467, A477, A478, A479, A483, A484, A485, A489, A490, A491, A492, A493, A494, A496, A497, A498, A829, A864, A867, A869, A870, A871, A889, A892, A895, A897, and A898, and ask you whether or not those are order cards made out for material to go on board of the vessel in your department.

A. They are.

Q. You have looked them over, have you?

A. Yes, sir.

Q. As foreman, state whether or not you saw to it that the material went wherever it was required.

A. I saw to it that it went where it was required.

Mr. FRANK.—We offer these in evidence and ask that they be marked W. S. Taylor Stock Cards No. 1.

Mr. McCLANAHAN.—I object to the offer on the ground that it is incompetent, irrelevant, immaterial, hearsay, self-serving, not binding upon the respondent, and ask that our objection apply to each and every card. [934—846]

(The cards are marked “W. S. Taylor Stock Cards No. 1.”)

Mr. FRANK.—Q. Now, Mr. Taylor, have you gone over the stock cards marked “A. Robinson’s Stock Cards Exhibit No. 1”?

A. Yes, sir.

(Testimony of William S. Taylor.)

Q. And selected from them such cards as you are able to testify that the material went on board the vessel? A. Yes, sir.

Q. I will ask you whether the following have been indicated by you as the particular cards which you so identify. I will read them off so as to get them in the record: C577, C582, C592, C597, A918, A937, A997, B1004, B1005, B1006, B1012, B1014, B1018, B1025, B1026, B1032, B1033, B1038, B1041, B1049, B1057, B1061, B1071, B1075, B1078, B1087, B1090, B1096, B1097, C1118, C1123, C1127, C1147, C1142, C1152, C1156, C1163, C1173, C1175, C1180, C1185, C1199, B1506, B1510, B1516, B1522, B1530, B1546, B1549, B1550, B1571, B1580, B1584, B1591, B1599, B1810, B1814, B1828, B1839, B1854, B1867, B1871, B1880, B1884, B1894, B1897, B9551, B9552, B3616, B3622, B3629, B3638, B3649, B3656, B3658, B3661, B5646, B5655, B5658, B5691, B5688, B5670, B5683, B5700, B5684, B5679, B5672, B5664, B5665, B5695, C536, B1523, B1569, B1587, B1809, B1895, B3628 and B3663. A. Yes, sir.

Mr. FRANK.—All of which are reoffered in evidence at this time.

Mr. McCLANAHAN.—Objected to on the ground that they are incompetent, irrelevant, immaterial, hearsay, self-serving, not binding on the respondent, and ask that our objection apply to each and every card. [935—847]

Mr. FRANK.—Q. Mr. Taylor, were the bolts and rivets especially in your department?

A. Yes, sir, especially in my department, worked

(Testimony of William S. Taylor.)

up in my department.

Q. What, if any, care did you take with respect to the issuing of the bolts and rivets?

A. With regard to the care, these cards were all issued from the toolroom which is my headquarters. I am in and out there throughout the day, and for convenience we allow the man in the toolroom, Robinson, to make out these cards to the parties calling for the material, and I would at times throughout the day inquire about quantities going out and so forth. In that way I would learn how things were going, and put a check on it if it was going too fast.

Q. Keep track of it? A. Keep track of it.

Q. Would there be any record in there, in the toolroom, where you could watch the quantities going out?

A. Just the stub. In regard to candles—

Q. I am talking now about rivets and bolts.

A. No, sir. A man would go up there and ask for a number of rivets, and Robinson would issue the cards. He would immediately go to the storeroom, and he would want 100 rivets, say. These rivets would be put on to the scale, and weighed and taken down on board of the ship.

Q. Weighed in the storeroom?

A. Weighed in the storeroom.

Q. You said something about seeing that they did not go out too fast.

A. I would ask him how the rivets were going out, and service bolts in regard to the quantities.

Q. Would you consult these cards at all when you

(Testimony of William S. Taylor.)

went up to the shop?

A. No, sir, not the cards; I would not consult them [936—848] because the cards are taken from him and taken to the storekeeper. I would find out about the quantities.

Q. Would he have a stub?

A. No, sir, not on these cards.

Q. State whether or not you would oversee the riveting on board of the ship.

A. I would oversee it.

Q. You would know the quantity that was necessary to be done? A. Yes, sir.

Q. And from your experience could you tell what quantity of rivets would be necessary?

A. I would have a good idea.

Q. Now, a great many of these cards are for the issuing also of candles. What were you going to say about the candles issued by A. Robinson?

A. Well, he has a tablet, and individual caulkers and different men working on board of the ship come up there and inquire for candles. When he receives the candles from the storeroom he gets a box as merchandise. He has a box of candles in the toolroom, and he would inquire of the party who came there and find out if he was working on such and such a job, where he was working and he was given the number of candles he asked for, two or one, and marks it down on this tablet against that number that he was working on. When he went up to a certain quantity he put it up in the order for him and turned it in to the office at the end of the day or the next morning.

(Testimony of William S. Taylor.)

Q. What part did you play in the giving out of the candles?

A. I am in the toolroom, out and in, and I look over his list and see that there is no mistake made, and that they are not working on wrong numbers or anything of that kind. [937—849]

Q. How about the quantities that are going out? How do you keep check of that?

A. I know the number of men that are around the job. A man ought not to get away with over four candles a day.

Q. That is, in your department?

A. In my department; yes.

Q. Your work is almost entirely day work?

A. Yes, sir, all day work.

Q. It is all day work? A. Yes, sir.

Cross-examination.

Mr. McCLANAHAN.—Q. You are still with the United, are you, Mr. Taylor? A. Yes, sir.

Q. These cards that you have just identified are cards that are issued by Mr. Robinson in the toolroom? A. Yes, sir.

Q. Do you wish to say that you know that all this material shown by these cards was used on the “Hilsonian” job? A. I do.

Q. In your department? A. Yes, sir.

Q. Suppose candles were needed in the engine-room; would that be your department?

A. In cases, yes.

Q. In this case?

A. There were machinists at work there; in that

(Testimony of William S. Taylor.)

case, yes, because they are issued by Robinson. There was no other department that was supposed to call on Robinson for candles, and he would not issue them.

Q. Except what department?

A. The engineering department.

Q. Yours is not the engineering department?

A. No, sir, the hull department.

Q. Yours is the hull department? A. Yes, sir.

Q. You do not know anything about the candles, for instance, burned in the engineering department?

[938—850]

A. No, sir. They were signed up by Roberts.

Q. So that these candles shown by the exhibit that you have just identified, "A. Robinson's Stock Cards No. 1," were used indiscriminately, were they not, in your department, or the engineer's department?

A. No, sir, not by my orders.

Q. By anybody's orders?

A. How could they get it? They could not get it from that man Robinson without they belonged to my department.

Q. That is what I want to get at. All these candles went to your department; is that it?

A. Yes, sir, that is it.

Q. Are you attempting to verify the stock job numbers appearing on each of these cards?

A. I don't understand what you mean.

Q. You have verified the material shown by the cards? A. Yes, sir.

Q. You have said that was all right and used on

(Testimony of William S. Taylor.)

the jobs in your department? A. Yes, sir.

Q. Now, I want to know if you can say the same thing about the job numbers. Can you speak for the truth of them? A. Yes, sir.

Q. You can?

A. They were in use at that time. It is some time ago since that happened that I cannot identify the numbers as particularly belonging to that job.

Q. The first card that appears here is "C502" on "A. Robinson's Stock Card." What is there that now makes you remember that that lot of candles were used on the "Hilonian"?

Mr. FRANK.—He did not identify "C502."

Mr. McCLANAHAN.—Didn't he?

Q. Let me take one card that you did identify. That happened to be the one on the dock. I will take "C502" which calls [939—851] for six candles. Why did you not identify those as candles burned on the "Hilonian" job?

A. I did not identify that because I thought it was a nominal thing; it would not amount to anything there in this case, but I would identify it as being a necessity, but I could not swear that they went into the job. I did not see them go and could not at this time tell, but I know by my instructions to Robinson not to give out candles indiscriminately to anyone, he has got to find out the numbers of the jobs.

Q. So that none of these numbers that you have spoken of and identified are numbers on which candles appear on the cards? A. No, sir.

(Testimony of William S. Taylor.)

Q. Why did you not identify "C550" of Robinson's cards?

A. I could identify it as a necessity.

Q. I say, why did you not identify it? Can you tell me why you did not identify that card?

A. No, sir, I can hardly say why I did not identify it. I know that it must have been used on the job or it would not have been there.

Q. That card calls for bolts, does it not?

A. It calls for bolts, and it seems to me we use an air-hose for driving the air-tools, and that hose, I suppose, possibly has been destroyed there or new fittings put into it and been taken up to the tool-room to be repaired.

Q. That is, the bolts shown on that card were used on the air-line? A. That is what it says.

Q. And the air-line is the hose that supplies the power for the tools? A. Yes, sir.

Q. Used in working on the job? A. Yes, sir.

Q. Those bolts, then, were used in repairing the air-line, you think? [940—852]

A. Yes, sir.

Q. So they were not used on the "Hilonian" at all?

A. In the air-line used in making the repairs on the "Hilonian."

Q. But not used on the "Hilonian"?

A. Not used on the "Hilonian."

Q. Would that apply to all the bolts that might appear on these cards where they were used on the air-line? A. I believe it would.

Mr. FRANK.—You had better examine the

(Testimony of William S. Taylor.)

cards, Mr. Taylor, before you answer. Then you will know.

Mr. McCLANAHAN.—I can ask the witness certainly that general question that where the cards have any material on them used on the air-line it would be a use similar to the bolts called for on card “C550” and testified to.

The WITNESS.—In doing the repairs they might break that hose, drop a casting on it, as is frequently done.

Mr. McCLANAHAN.—Q. For instance, I show you card “C59,” one nipper. That was used on the air-line, was it not? A. Yes, sir, sure.

Q. In repairing the air-line?

A. Yes, sir. The hose all goes out in good condition when it leaves the tool-room, and these extra fittings is in making up repairs.

Q. Part of this air-line is not on the ship at all. It is on the wharf, is it not? A. No, sir.

Q. On what? A. On the ship.

Q. All of it is on the ship?

A. All of it is on the ship.

Q. Where is it coupled to after that leaves the ship?

A. They have a manifold carried aboard the ship with a supply hose. [941—853]

Q. The supply hose is connected to what?

A. To the manifold on the ship, taken from the main line.

Q. Which is on the dock?

A. Which is on the dock.

(Testimony of William S. Taylor.)

Q. Can you tell whether some of these articles are used on the main line on the dock?

A. No, sir, it is for the hose.

Q. That I have called your attention to?

A. Yes, sir. The main line is 2½.

Q. For instance, "A918" calls for 12 bolts. That is used on the air-hose, is it not? A. Yes, sir.

Q. "A967," one sleeve. That was used on the air-line, was it not? A. Yes, sir.

Q. I see, Mr. Taylor, that many of these articles were used on the tank-tops. Did you have anything to do with the tank-tops? A. Yes, sir.

Q. What tank-top did you work on?

A. The after-hold.

Q. No. 4? A. On the port side.

Q. Is that No. 4?

A. I could not tell. I guess it is No. 4, abaft of the engine; the tank abaft of the engine-room.

Q. What did you do to that tank-top?

A. The tank-top had been blown up or busted up by pressure.

Q. Please answer my question, Mr. Taylor. I want to know what you did there.

Mr. FRANK.—He is telling you.

A. I am telling you; it was damaged by the extra pressure from underneath that was driven up. The top of it was lifted from the supports from the girders, all strung, and we had that damaged part removed. We found that it was put together in a faulty manner, and the vessel was not properly taken care of, and was advised by Mr. Putzar to make

(Testimony of William S. Taylor.)

extensive alterations in [942—854] there.

Mr. McCLANAHAN.—Q. Will you please tell me what the alterations were? That is what I asked you originally.

A. If you will give me a piece of chalk or pencil I can give you a little sketch.

Q. Never mind that. You renewed part of No. 4 tank-top? A. Yes, sir.

Q. How much did you renew?

A. I cannot recollect; all of it in the after-hold.

Q. All of No. 4 tank-top?

A. I think so. I would not swear to that. I could not tell, but I think so. It was all removed up to the bulkhead where the break in the shaft-alley was.

Q. Is there any way that you can refresh your memory? A. I could by going down to the ship.

Q. Was the repair work done on both sides of the ship or only on one side?

A. Partly carried to the other side.

Q. Partly carried to the starboard side?

A. Yes, sir, without removing the tank-top.

Q. What was partly carried to the other side?

A. The extra work in stiffening the vessel under the tank-top.

Q. Those would be the angle-irons?

A. Yes, sir.

Q. I am referring now specially to the plates?

A. Yes, sir. There were bad rivets that we could get at that were overhauled, but they did not lift the ceiling.

Q. Where? A. On the starboard side.

(Testimony of William S. Taylor.)

Q. How much of the plates were removed on the port side?

A. From the engine-room bulkhead to the bulkhead of the shaft-alley break. [943—855]

Q. You are sure of that? A. Yes, sir.

Q. What proportion would that be of the whole tank-top?

Mr. FRANK.—I cannot see the purpose of this examination since there is no dispute on the question of the amount of repairs. You have admitted it in your answer except the details you had not admitted.

Mr. McCLANAHAN.—I am glad you are admitting now that we have admitted anything. I have been chided often by you because we have not admitted something.

Q. What proportion, Mr. Taylor, was it of all of the plates that were renewed—one-third, two-thirds? A. The whole of it in the port side.

Q. The whole on the port side?

A. The whole after-hold and tank-top on the port side as far as I can recollect. [944—856]

Q. Then your testimony is that as far as you remember you renewed all the plates on the port side of the number four tank?

Mr. FRANK.—He did not say that. He said within certain limits.

Mr. McCLANAHAN.—Q. Let us get it clear, Mr. Taylor. What was it? Within certain limits, was it?

A. Within certain limits, yes.

(Testimony of William S. Taylor.)

Q. Who was the immediate authority over you in doing that work?

A. Well, Mr. Christy is manager. I don't know of any other ones unless it was the Matson people's representatives; they were directing and ordering the work.

Q. Who did you take your orders from?

A. Putzar and Captain Sanders.

Q. Were you working, then, for the United Engineering Works? A. Yes, sir.

Q. Who did you take your orders from when you took them from the United Engineering Works?

A. Mr. Christy.

Q. Was Mr. Christy down there every day?

A. He directed me to take the orders to do whatever they said.

Q. Why, has not that concern a general foreman?

A. I am the general foreman.

Q. You are?

A. Yes. In that line, in the hull construction.

Q. What does this man Williamson have to do with you—anything?

A. Very little. He was about there. Mr. Christy introduced him to me; he told me that should I want any machine work done in the machine-shop that Mr. Williamson was the man to see that it was done, as often in our work we connect together.

Q. So his supervision was not over your department? A. No, sir.

Q. What department was his supervision over?

A. Engineering department, as far as I know.

(Testimony of William S. Taylor.)

Q. So you had no one between you and Mr. Christy in your department? A. No, sir.

Q. Did you have anything to do with giving jobs their job numbers? A. Yes.

Q. What part did you play in that?

A. When a job was ordered, as early as possible I went to the office and informed them in the office what I had to do, what number should I take, and I went immediately back to the work, took hold of the number, write out a description of it and sent down the order to headquarters in the toolroom.

Q. The number, however, was given to you at the office?

A. Also written down in my presence, stamped; we have a stamp that came down on it. Then the order was sent out. I have a book for to put it in, something like that, put the order in.

Q. The order number was given to you in the office? A. Yes, sir.

Q. And you affixed to the order number the description of the work to be done under it?

A. I informed them what was to be done and they had a consultation with Mr. Putzar, as I understand.

Q. I am not referring to Mr. Putzar or to the "Hilonian" matter. I am speaking, now, generally of these jobs.

A. You see this job would come in, different jobs come in throughout the day—

Q. Mr. Taylor, I want to know who it was that made the description that was affixed to the order

(Testimony of William S. Taylor.)

number. Did you make that, the description of the work?

A. The description of the work, yes.

Q. You made that, did you? You made the description?

A. From information received from the Matson people.

Q. Oh, then you got the number from the office, the description of the work you placed to the number and it was distributed about the different departments? [946—858]

A. Through my department; yes.

Q. Do you remember any of the work for which numbers were given you by the office done on the "Hilonian"?

A. No, I don't remember one of them.

Q. You don't remember what?

A. One of them.

Q. One of what?

A. The numbers that was used.

Q. I did not ask you that question.

A. I understood the question that way.

Q. Read the question again, Mr. Reporter.

(The last question repeated by the Reporter.)

A. No.

Q. You cannot remember any work for which numbers were given you by the office for the "Hilonian"?

A. Not to be connected up with the number. I remember some of the work, but connected with the work I remember none of the numbers.

(Testimony of William S. Taylor.)

Q. I am not asking you whether you remember the numbers. Do you remember the work that was given the number?

Mr. FRANK.—I submit you have asked him if he remembers the numbers; that is what you have done.

The WITNESS.—That is what I understood it to be.

Mr. McCLANAHAN.—Q. Then if I have asked you to remember the numbers I withdraw that. I want you to remember the work for which a number was given. A. No.

Q. You can't remember any work done on the "Hilonian" to which a number was given?

A. No, sir.

Q. Would you ever give the same work two numbers, work of the same character?

A. I did not give the numbers; they give the numbers in the office.

Q. So if they would give you two numbers, separate numbers, [947—859] different numbers, for the same kind of work, that was not your business?

A. They would not do that.

Q. They would not do that? A. No.

Q. Well, I call your attention to your own card B9535. That is a checkered floor plate for the engine room floor for No. 5398, is it not?

A. Yes, sir.

Q. 9534, that is a checkered floor plate, is it not, for the engine room floor for 5325, is it not?

A. That looks like that number.

Q. That is a case where they did give two num-

(Testimony of William S. Taylor.)

bers to the same work, did they not?

Mr. FRANK.—You are asking the witness for a conclusion.

Mr. McCLANAHAN.—Q. On the same date, September 21. Can you explain that, Mr. Taylor?

A. Well, it is possible, there might have been two numbers in the engine-room.

Q. For checkered floor plating?

A. Yes, sir.

Q. On which you would issue orders the same day?

A. Well, that is unlikely, that there, but I will give you a reason for it, why there should be two numbers.

Q. Should be two numbers.

A. In the engine-room.

Mr. FRANK.—Q. You said “should”?

A. I said “should.”

Mr. McCLANAHAN.—Q. What is your reason?

A. In the start of the job they order certain work.

Q. Who do you mean by “they”? The “Hilonian” numbers?

A. Mr. Putzar, who had charge of the engine-room work. After that work proceeded he might tear it all to pieces.

Q. Are you stating a hypothetical case or facts?

A. Facts.

Q. Then you should not say “they might tear it to pieces,” but that they did tear it to pieces.

A. I have a faint recollection that they did make considerable alterations after they proceeded along

(Testimony of William S. Taylor.)

[948—860] with the work, and as far as I can recollect it meant extensive alteration, and I think that made it necessary for another number to guide it, to keep tab on it.

Q. So that one of these numbers here on the checkered floor plating work for the engine-room would represent the original number, would it? The original? A. I can't remember the place; I can't place them directly.

Q. I thought you were giving an explanation of the two numbers for the same work.

A. How it might have been.

Q. It might have been?

A. Yes, and I have a faint recollection it was, but I can't—

Q. Then your recollection is, your faint recollection is, that originally there was work to be done under the original specifications on the checkered floor plating for the engine-room; that was given a number, and that subsequently there were changes made in that and the change was given another number; is that it? A. That might have been done.

Q. You had nothing to do with the making of changes in the original specifications, did you?

A. No, sir. There was no specifications; we were working at the direction of Mr. Putzar and Captain Sanders.

Q. Didn't you ever meet a man named Klitgaard?

A. He was around there, but he was only a sort of adviser, in this capacity, that the after-tank was leaking, and he would direct attention to the weak points

(Testimony of William S. Taylor.)

as he knew them.

Q. He was the engineer of the ship, was he?

A. Yes, previous.

Q. Wasn't he then the engineer of the ship?

A. He was around there all the time.

Q. Klitgaard was the engineer of the ship, wasn't he?

A. I believe he was the engineer on the ship.

[949—861]

Q. What was Mr. Putzar?

A. He was the engineer that went out on her; he was around all the time. They both came together when the ship went to the yard. My orders was to work at the directions of Mr. Putzar.

Q. Who did you get your orders from?

A. Mr. Christy.

Q. When did you commence to work on the ship?

A. I can't remember.

Q. Well, I show you a card dated August 25th, A455; that refreshes your recollection to some extent that you were working on August 25th on the ship?

A. Yes, sir.

Q. You had received orders from Mr. Christy to work under Mr. Putzar's authority?

A. Yes; at that time, yes.

Q. And not under Mr. Klitgaard?

A. No. Klitgaard had not very much to say in the matter; only Putzar seemed to be the man that we had to go by at that time.

Q. Do you know that Mr. Putzar did anything else except superintend the work on the ship?

(Testimony of William S. Taylor.)

A. Well, he would advise them of the breaks, perhaps, and defective parts, through his experience in being in her, he knew where the weaknesses were.

Q. You are speaking of Putzar?

A. No, of Klitgaard.

Q. I am speaking of Putzar; did he do anything else except superintend the work as it went on?

A. I don't know in what capacity he would act. All he could do was to look after the work I should say.

Q. That is all you knew him to do?

A. Yes, that is all I knew him to do.

Q. Did you see him every day?

A. Every day.

Q. When changes were made in the work were you consulted? [950—862]

Mr. FRANK.—This is the most liberal cross-examination I ever heard of in my life, subjects that were not touched on. I think I shall have to consider you have made the witness your own witness on these matters and claim the right to cross-examine the witness.

Mr. McCLANAHAN.—Mr. Frank, you have never refrained from cross-examining your witnesses in this case.

Q. Read the last question.

(The last question repeated by the Reporter.)

A. They would make the changes themselves.

Q. So that you would not be consulted?

A. I would not be consulted. They would order it.

(An adjournment was here taken until to-morrow morning, Thursday, September 14th, 1911, at 9:30 o'clock.) [951—863]

Thursday, September 14th, 1911.

**[Testimony of L. K. Siverson, for the Libelant
(Recalled.)]**

L. K. SIVERSEN, direct examination resumed:

Mr. FRANK.—Q. I now show you Fred Boyd's cards "C6822" and "C6818" and ask you whether or not they contain material which was used on the ship in your department. A. I don't know.

Q. I show you A. Grotefend's Stock Card No. 1, and ask you the same question. A. I don't know.

Q. Now, Mr. Siverson, what was the nature of the work done on the "Hilonian" at this time with reference to this being a rush job or otherwise?

A. It was a rush job, and the work done was accomplished in perhaps one-half the time that it ordinarily ought to have been done in.

Q. That is, one-half of the time that that quantity would be done in the usual manner; is that it?

A. Yes, sir.

Q. What effect, if any, did that have upon the economical accomplishment of the work?

Mr. McCLANAHAN.—I object to that upon the ground that the witness is not qualified to testify as to that.

Mr. FRANK.—Q. Go on.

A. It had this effect, that when a job is rushed you have got to put on more men than you can economi-

(Testimony of L. K. Siversen.)

cally work on the job. For instance, if you have a piece of pump to overhaul, or some similar piece of machinery, it is ordinarily only one man's work and only one man can work on it economically, but being that the job has to be rushed through as fast as possibly can be done we have to put two men on it in order to get it through as fast as possible. The consequence of two men working on it [952—864] is that one man might have to wait for the other at times.

Q. That is, the work is separated into parts that co-ordinate; is that it? That is, each man gets a part of the work, and those parts have to be made to work together, is that it? A. That is it.

Q. And one man has to wait for the other in order to accomplish his work? A. Yes, sir.

Q. The result would be to get the entire job done faster, but at greater expenditure of time of men on it; is that it?

A. It would take a shorter time to do the job being that there are two men working on it, but it is really more time.

Q. That is more hours?

A. More hours, on account of there being two men.

Q. Was that condition general or otherwise throughout this work in your department?

A. That condition was general with the whole job, as the whole job was to be rushed through as quick as possible.

Q. Now, were there any other causes of unusual loss of time on that job? By unusual loss of time

(Testimony of L. K. Siversen.)

I mean effective work.

A. Well, there would be, for instance, such cases as it was decided that a certain piece of work was not to be done. To cite an instance: it was originally when the spring bearings were first removed that only two should be remetalled. Those two were removed to the shop to be remetalled, the remaining three were cleaned up, scraped and scraped and dressed up in the usual manner with oil grooves cut, placed aside ready to be replaced when the shaft and conditions required that it should be replaced. After these bearings were examined, however, and Mr. Putzar and Mr. Klitgard were called into consultation, it [953—865] was decided that they would have to be remetalled also, so they were removed to the shop and remetalled as well, and the work of cleaning and dressing them, cutting new oil grooves and putting them aside was of course all unnecessary.

Q. That is, lost work?

A. It was lost inasmuch as they had to be remetalled, all the metal was melted out of them.

Q. And this same work had to be done over again after they were remetalled?

A. Any bearing that is remetalled has got to be dressed in the same manner, the oil grooves to be cut and scraped off on the side to give clearance for the shaft as it were on the side. That is general with any new bearing.

Q. Were there any other instances of lost time similar to that in your department?

(Testimony of L. K. Siversen.)

A. When these bearings had to be remetalled, that necessitated the filing of the shaft where the shaft rested on the bearings. The shaft was corrugated on account of the wear and the bearing was corrugated according to the shaft, to correspond with the corrugations on the shaft where it was resting. When the bearings were remetalled they would be bored out and would be straight. The shaft being corrugated it would only rest on the bearings in places, in the high spots. These high spots had to be removed by filing them off to make the shaft straight. That is work that was also caused of course by the remetalling of the bearings.

Q. Did I understand you to say that these changes were made after the work had progressed along the original lines and then had to be retraced?

A. As far as the bearings are concerned, but as far as the filing of the shaft is concerned, that did not cause any delay in the operation. The shaft was laying there and nothing was [954—866] done to the shaft until it was decided to remetal the bearings.

Q. Were there other instances of a similar nature through your work, or was that only a single instance?

A. There were several instances of that kind, but I cannot recall any specific instance at present except just that one. In a job of that description it always occurs, or it generally occurs.

Q. What do you mean by a job of that description?

A. A rush job.

Q. That is, it occurs that they proceed along cer-

(Testimony of L. K. Siversen.)

tain lines and when they are rushing along, and when they get to a certain point they find that something else not contemplated must be done which necessitated redoing something you have already done; is that it? A. Yes, sir.

Q. Was there anything of that nature in connection with the crank-shaft?

Mr. McCLANAHAN.—What nature?

Mr. FRANK.—That we are talking about now.

A. Not that I can recollect.

Q. Do you remember whether it was originally intended that the crank-shaft should be removed to the shop to be turned? A. Yes, sir.

Q. Was it done? A. No, sir, it was not done.

Q. Why not?

A. For this reason: when the shaft was raised up out of the bearings Mr. Klitgard and Mr. Putzar, and the authorities at the work, were called into consultation. They looked at the manner in which the shaft could be removed, and it was decided that the shaft could not be removed from the engine-room without first removing the after bulkhead in the [955—867] engine-room, cut out the bulkhead because there was not room for the shaft to get out in any other manner. Rather than do this it was decided to first place the shaft on suitable blocks on top of the housing and to try the shaft with a line to see if the shaft was straight and parallel because the reason why the shaft was to be removed to the shop and put in a lathe was that they supposed that the shaft was sprung, not running true. Now, before

(Testimony of L. K. Siversen.)

they felt that they would be justified in removing the shaft, being that it necessitated the cutting out of the bulkhead, they felt it was right to first place the shaft on blocks on top of the engine-housing and try the shaft with a line to see if the shaft was straight. It was found that the shaft was straight, but where it was resting in the bearings it was out of round, and would have to be filed round, so that is the reason why the shaft was not removed to the shop.

Q. Now, when the vessel was placed on the dry-dock what, if anything, was discovered there that detained her on the drydock longer than had been anticipated?

A. I don't remember whether it was originally intended that the rudder gudgeons should be bored out or not, but at any rate when the ship came on the dock it was found necessary and all the gudgeons were bored out. That is a big job, and that is what delayed the ship on the dock.

Q. Just explain so that the Court will understand. It probably does not know what a gudgeon is.

A. A gudgeon is a part of the sternpost that projects back that is bored out in which the pintle for the rudder sits. It forms the pivot on which the rudder swings. These holes in [956—963] these so-called gudgeons get worn and rust out. The effect is that the rudder keeps banging and swinging back and forth. When these holes get worn too bad they have to be bored out round and a bushing put in.

Q. That is a filling to make the hole the original

(Testimony of L. K. Siversen.)

size and round. In order to bore these holes out it necessitated putting a bar down right from the deck right down to the keel. Each hole has to be bored out separately. It is a very hard job to set the bar just right and get everything just in line.

Q. Where on a rush job men are working overtime what, if anything, can you say with regard to the efficiency of the men as compared with the normal amount of work that they will do?

A. Well, of course, I would say this: that if a man is working two or three hours overtime for one or two or three days, I don't think that it will affect the man's efficiency very much, but where it is done continuously for a month, I think after the ordinary day's work the man feels rather tired, and that he is not as efficient as he was just when the day's work was done.

Q. In other words, they do not do a normal amount of work on a job of that sort? A. No, sir.

Q. Mr. Siversen, was there any permanent electrical work done in the engine-room and connections with the engine-room of that ship at this time?

A. Yes, sir.

Q. What was the nature of that work?

A. In removing all the different parts of the machinery, piston rods and pistons and connecting-rods and so forth, to the shop, it necessitated the removal of all the gratings in front of the engines, and all the electrical work that was attached to [957—869] the gratings was removed also, and also the electrical work in the shaft alley. It was all destroyed as far

(Testimony of L. K. Siversen.)

as I remember by the removing of the shaft. We were using a cannon down there to shoot out the coupling-bolts with. After the explosion of this cannon sometimes the balls would fly and hit the pipe or some similar thing, and all the electrical work in the shaft alley was destroyed. That was renewed, which, of course, was permanent work, and also the work in the engine-room where it was taken out in order to facilitate the removal of parts of the machinery under the gratings up along the bulkhead, up along the engine columns and under the engine-cylinders.

Q. Now, Mr. Siversen, you have gone over the material cards of several of these exhibits and selected from them some which you could say went into the ship in your department. Others you did not mention. By that are we to understand that they did not go into the ship, or simply that you have no knowledge of it, which?

A. I wish to say as regards the cards that I have marked, that I did not sign, as well as the cards that I have not marked, that I did not sign, that the cards that I have marked is material of the nature of which I know went into the ship, and the amount that I have marked I do not consider more than usual, more than necessary. The cards that I have not marked are cards that I have no knowledge of, but I have not seen any cards of a nature that I do not think that that material went into the ship.

Q. I think I understand you, but just read that, Mr. Reporter, and let me see how it reads. (The

(Testimony of L. K. Siversen.)

Reporter reads the answer.) That is, you mean that you have seen no cards the material on which you would say did not go into the ship. Is that what you [958—870] mean to tell us?

A. That is what I meant.

Q. What was the general condition which you found in the vessel after you had opened her up, with respect to being in a better or worse condition than she appeared before she was opened up?

Mr. McCLANAHAN.—I object to that as immaterial, and on the further ground that the question has already been answered by the witness.

A. We found that there were a great many things that were a lot worse than we anticipated.

Mr. FRANK.—Q. And what did they necessitate, if anything, with respect to the work?

A. To cite an instance: the thrust, the hauling down bolts for that were rusted up and had to be renewed, and the washers underneath that fitted under the angle-irons had to be renewed. The couplings of the line-chart were broke and it was found that the couplings were very badly rusted in between the faces so as to make it difficult to tell when the shaft was in line. These couplings all had to be dressed up. There was one set of couplings, for instance, that were so bad that that length of shaft had to be removed to the shop, the length of shaft immediately behind the thrust-shaft.

Q. Were those serious matters?

Mr. McCLANAHAN.—I object to that as immaterial.

(Testimony of L. K. Siversen.)

A. When it necessitated a piece of shafting to be removed to the shop it entails a great expense. There is also another thing: when these couplings were faced off it made the shaft a certain amount shorter. That pulled the whole after-length of the shaft ahead a certain amount, and pulled everything out of position. For instance, all the spring bearings had to be removed forward, the amount that the shaft was made shorter. [959—871] That meant slottings of holes in the pedestals of the spring-bearings.

Mr. FRANK.—Q. Were there other matters of a similar nature throughout the work?

A. I cannot recall any specific instance just at present. There were several things of course which we discovered had to be done after the several pieces of machinery were moved, that we did not expect before, such for instance as the making of a new bearing under the beam-center, which was found to be cracked—that is, the bearings was found to be cracked. That meant raising the beam-center and new bearings placed under it.

Q. At whose instance or order were these extra changes made? A. Mr. Putzar and Mr. Klitgard.

Q. With reference to the gratings and ladders, what changes were made there by Putzar and Klitgard, if you remember?

A. The engine-room platform throughout was reconstructed. It was lowered from its original position, and a continuous platform made from the ice-machine room over to the storeroom; the handrails

(Testimony of L. K. Siversen.)

around the engine were also all remodeled, and the different openings in the gratings were made different from the original. Some new pieces of gratings of course had to be made, and new handrails as well, and two or three old pieces of grating were condemned because they did not fit.

Q. I will ask you again, what was the general condition of the engine-room department when you undertook the work, with reference to being run down or otherwise.

Mr. McCLANAHAN.—I object to the question as immaterial and on the further ground that it is cumulative.

A. The engine was very much run down, inasmuch as the brasses were worn very badly and were very low, for instance, the link-brasses. [960—872] They were worn so much that the links had to come too short, and we had to make new distance pieces between the brasses in order to make up for the length.

Mr. FRANK.—Q. I do not care so much about specific instances now as the general condition of the entire engine-room department.

Mr. McCLANAHAN.—The same objection.

A. I also answer as I did before, that things were in a very poor condition.

Cross-examination.

Mr. McCLANAHAN.—Q. At the time that the work was done on the “Hilonian” how long had you been in the employ of the United Engineering Works?

(Testimony of L. K. Siversen.)

A. I became an employee of the United Engineering Works in August, 1907.

Q. In what capacity did you first enter their employ? A. As a machinist.

Q. At the time of the work done on the "Hilonian" had you ever worked before as foreman of a job?

A. Yes, sir.

Q. Had you ever worked before as foreman of a job of the magnitude of the "Hilonian" job?

A. No, sir.

Q. So that it was your first job of that magnitude?

A. As big as that, yes.

Q. You are a machinist, are you, Mr. Siversen?

A. Yes, sir.

Q. Not an engineer? A. Yes, sir.

Q. You are not an engineer?

A. I am an engineer.

Q. You are an engineer? A. And a machinist.

Q. What kind of an engineer?

A. Marine engineer and stationary engineer.

Q. Have you a license?

A. I have a marine engineer's license. [961—873]

Q. What vessels have you operated on?

A. I have operated on the steamer "Havana" of the Ward line in New York.

Q. In what capacity?

A. Third assistant. I have operated on the steamer "Texas" of the American-Hawaiian line as third assistant. I have operated on the steamer "California" as second assistant. I have operated

(Testimony of L. K. Siverson.)

on the steamer "Alaskan" as second assistant.

Q. Then, Mr. Siverson, you know, do you not, that the condition of a ship's machinery can only be determined with any degree of accuracy by the actual operation of the ship, do you not? In other words, you cannot, as an engineer and as a machinist, go down into an engine-room, look at the machinery and tell whether that machinery is in good working order or bad working order, but that that test must be made by the actual operation of the ship; is that not so?

A. No, sir.

Q. It is not so? A. No, sir.

Q. In other words, in your opinion, a machinist can, by looking at the machinery in the ship and not operating it, tell as truly the condition of that ship's machinery as the engineer who operates the ship?

A. That is not the case either.

Q. That is not the case? A. No, sir.

Q. That is, the engineer who operates the ship knows more about the condition of the machinery than the machinist?

A. It depends on the machinist.

Q. It depends on the machinist?

A. Who is the machinist.

Q. In what way?

A. There are machinists and machinists. There are machinists who are engineers and machinists who are not engineers.

Q. All right. We will take another case. You are an engineer. [962—874] Can you tell the condition of the machinery in the "Hilonian"—

(Testimony of L. K. Siversen.)

A. Yes, sir.

Q. —by looking at it. Excuse me.

A. I thought you were through.

Q. —by looking at it and not operated as effectively and as truly as the engineer who has operated the machinery? A. Yes, sir.

Q. Just as well? A. Yes, sir.

Q. How do you determine the condition of the machinery of a vessel by simply looking at it as far as its operating capabilities are concerned?

A. Because—

Q. I say how do you?

A. I know the way an engine is constructed; I know the way an engine is directed and I know the way an engine runs, and I know that an engine to run effectively and economically and run well has got to be in line. If an engine is not in line it cannot run well under any circumstances, and it is furthermore dangerous if an engine is very much out of line, inasmuch as there is great liability of pieces of machinery breaking on account of the undue strain that is being put on those parts of the machinery when the engine is in action.

Q. And all that you can tell by simply looking at it?

A. Yes, sir—not by simply going down and looking at the engine, but by examination.

Q. Did you make any examination of the “Hilonian” engines? A. Yes, sir.

Q. When?

A. When the “Hilonian” was at the United En-

(Testimony of L. K. Siversen.)

gineering Works we run lines all through the engine. The whole engine was tried for alignment. [963—875]

Q. Why was that done?

A. Because it was ordered to be done.

Q. Did you take your orders from the United Engineering Works or from Mr. Putzar or Mr. Klitgard? A. Both.

Q. Who instructed you to take orders from the representatives of the ship? A. Mr. Wilhelmsen.

Q. Was he your immediate superior?

A. He was my superior.

Q. When did he tell you to take these orders?

A. When I took charge of the steamer "Hilonian" I was introduced to Mr. Klitgard as the chief engineer of the "Hilonian," and to Mr. Putzar as the company's representative.

Mr. FRANK.—Q. By the company you mean whom?

A. The Matson Navigation Company's representative.

Mr. McCLANAHAN.—Q. Who introduced you?

A. Mr. Wilhelmsen, and Mr. Wilhelmsen told Mr. Klitgard and Mr. Putzar as follows: "This is Mr. Siversen and he will be our representative. At any time when we are not present you may communicate with Mr. Siversen and he will do anything that you wish."

Q. You took that, then, that your superior had given you instructions to take orders from Putzar or Klitgard? A. Yes, sir.

(Testimony of L. K. Siversen.)

Q. Did you take orders from Putzar or Klitgard after that?

A. If Mr. Putzar or Mr. Klitgard asked that anything be done it was done.

Q. Is that an answer to my question? Did you take orders from Putzar or Klitgard after that?

A. Yes, sir.

Q. Did you take orders from either of those men immediately after that, or was the job long progressed before you began to take orders from either of those men? [964—876]

A. No, sir. If I may be allowed to make an explanation—

Q. Yes.

A. Mr. Klitgard, it appeared at the beginning of the job, was the man who had charge of the work as far as orders were concerned, and Mr. Putzar, it seemed, was the man who was the company's representative, and in as much as he was to see that the job progressed along economical lines; he was also supposed to keep the time of the men, to see that there was not any unusual quantity of men put on the ship, and to keep their time. Further along when the job progressed it seemed and became generally understood that Mr. Putzar was the future chief engineer of the steamer "Hilonian," and that Mr. Klitgard was going to resign on the completion of the work. It seemed or it appeared as though Mr. Klitgard resigned a great deal of his authority to Mr. Putzar.